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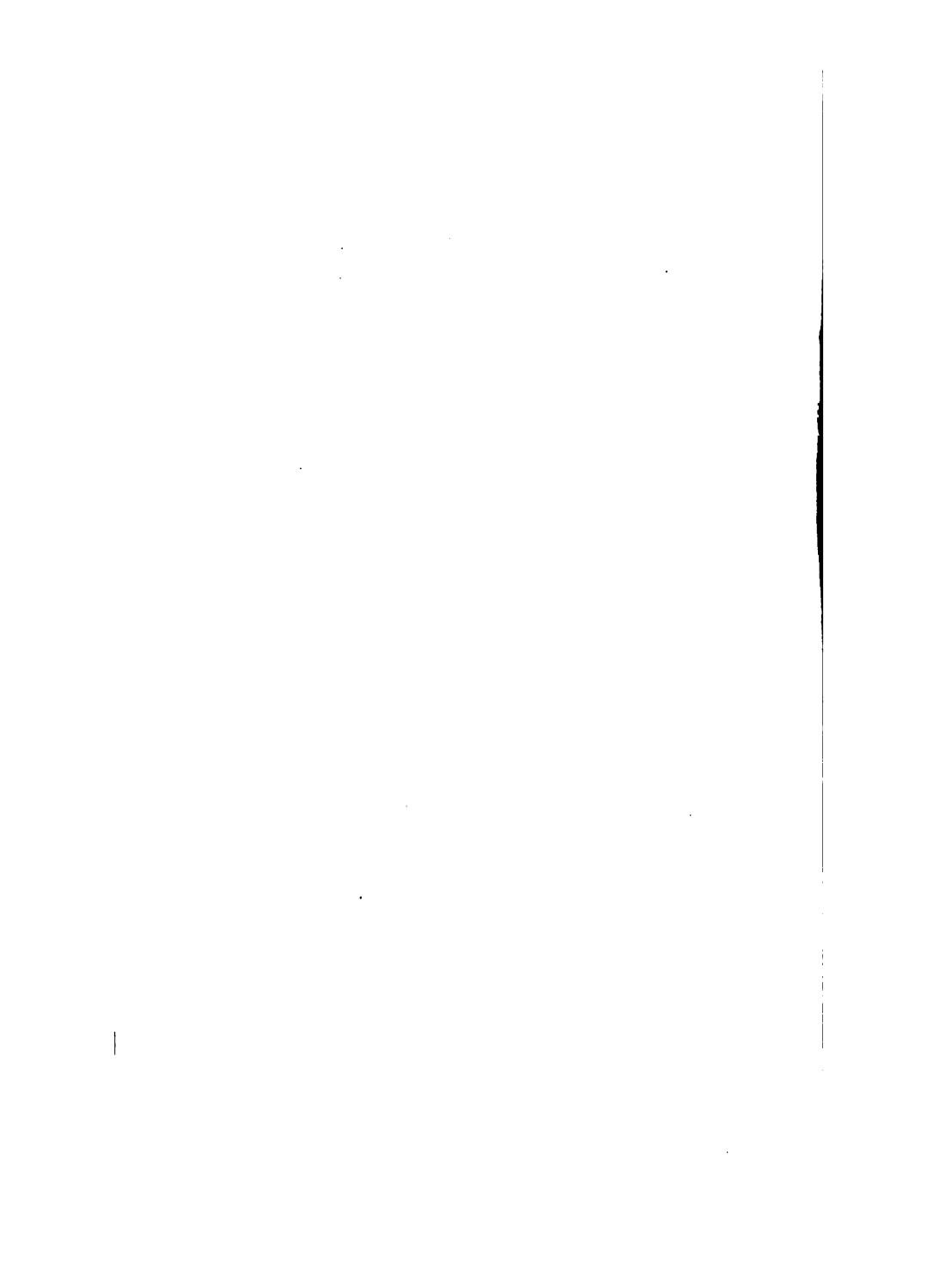
Black, white or yellow?

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# BLACK WHITE OR YELLOW ?



THE  
SOUTH  
African  
Labour  
PROBLEM

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# **Black, White or Yellow?**

**THE SOUTH AFRICAN LABOUR**

**PROBLEM.**

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**THE CASE FOR AND AGAINST THE INTRODUCTION  
OF CHINESE COOLIES.**

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**BY**

**S. M. Gluckstein & W. C. H. Saxby.**

**"Audi Alteram Partem."**

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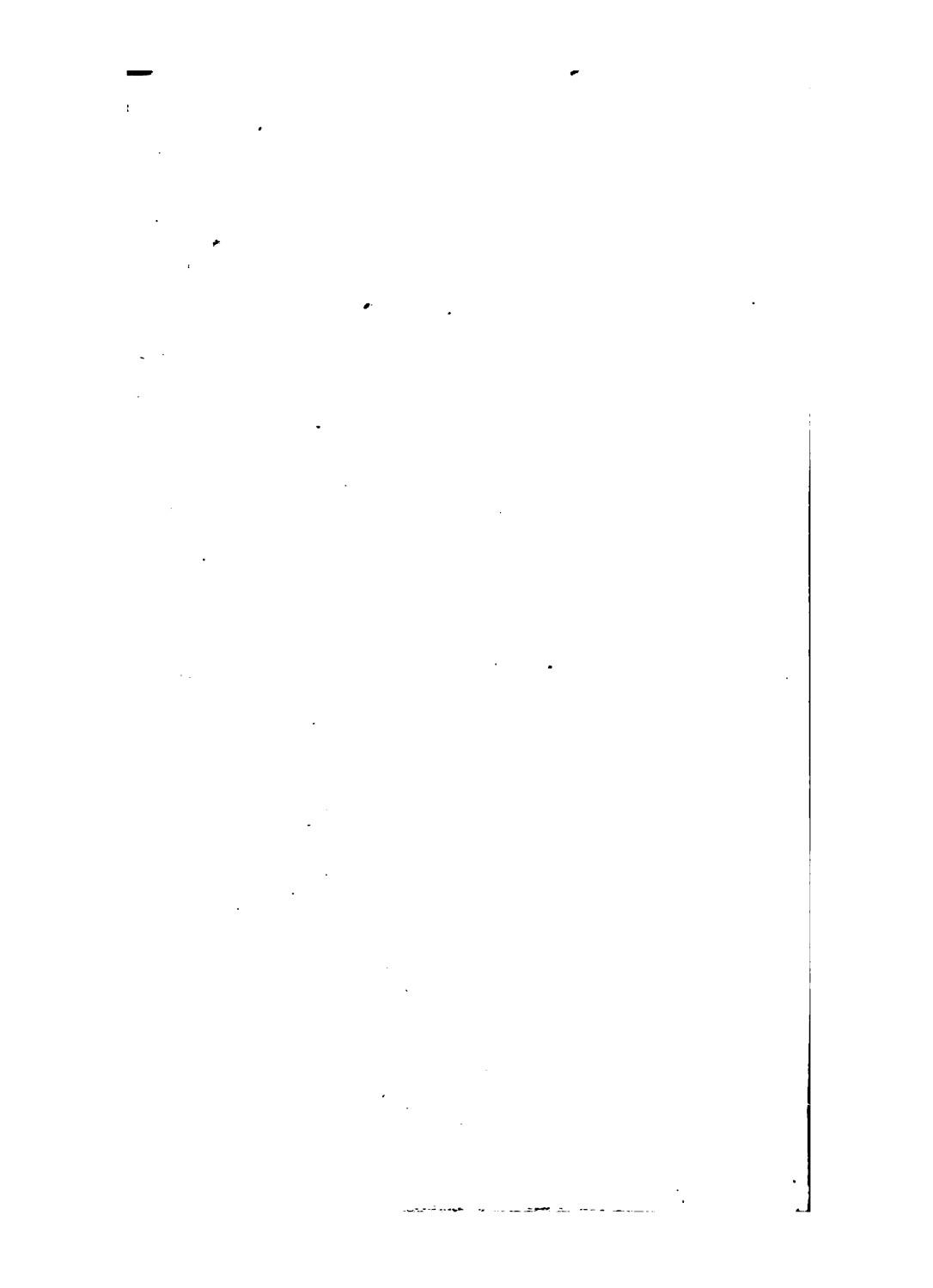
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## PREFACE.

THE object of this brochure is to place before the public in a convenient form the arguments both in favour of and against the importation of Chinese Labour into the Transvaal. In each version the endeavour is made to deal with the intricate subject on practical rather than political grounds. It is hoped that the publication, for the first time, of the full text of the Labour Ordinance as amended in Council will be found a useful addition to the contents.



## PHASE I.

### THE CASE FOR CHINESE LABOUR.

In a situation such as has been created by the shortage of aboriginal labour in South Africa, a practical solution of the problem should not be sacrificed to sentiment. If there are strong presumptive grounds for opposing the employment of Chinese in the Transvaal, or elsewhere for that matter, there are even weightier grounds for supporting it. No greater mistake could be made than to suppose that the Rand mining magnates are alone in their desire for yellow workmen. And the same remark applies to the inference that supporters of Chinese labour are supporters of these millionaires—gentlemen who by no means command wide sympathy. The essence of all good government is to afford the greatest benefit to the greatest number. It is not good government to paralyse the industrial vitality of a

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large and rich country in order to defeat the aims of a few opulent, it may be also greedy, financiers. But that is the principle underlying the arguments of the anti-Asiatics. They would penalise everybody in the Transvaal for the purpose of striking at the rightly or wrongly abused Rand magnate. They vary this phase of the question by characterising the Imperial assent to Chinese labour as a reversion to slavery. What are the facts? What are the economic conditions of the Transvaal? Here then is a colony rich in mineral resources, but whose successful development is dependent upon an abundance of cheap unskilled workers. It abounds in large bodies of auriferous formation, the profitable treatment of which would be impossible in the majority of instances if the bulk of the labourers in the mines were paid on the basis of white men's wages in the Transvaal. It should not be difficult, of course, to secure the natives of South or Central Africa, of whom there are several millions. But the aboriginal is no lover of work, and will avoid it if he can, preferring to exist in lazy comfort on the energies of his wife or wives. Upon ethical grounds the refusal of the native to earn a

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livelihood cannot be defended. His freedom to be of the number who "toil not, neither do they spin," is, indeed, a menace to the peace of a country which has so often been the scene of serious native revolts. And yet one may not suggest the yoking of the native under a code of compulsory labour. The mere contemplation of an Act to compel the black man to work provokes vehement denunciation on the part of those who are silent as to the worst forms of slavery in Free Britain. It is the experience of all African travellers and residents that regular employment exercises a far greater and better moral influence on the aboriginal than the efforts of a thousand missionaries. But, no, compulsion is slavery, so we are told, and to indenture the yellow man is also slavery. In so many words it is immoral to do in the Transvaal what has been done for years without a word of protest in Natal and the Straits Settlements, which are also British Colonies. This, however, by the way. The whole question may be divided into three heads:—

- (a) The failure to obtain a local supply of Native Labour.
- (b) The cause and the effect of that failure.

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(c) The possible and probable effects of the employment of Chinese Coolies.

In regard to the first point, if the evidence given before the Labour Commission should not be conclusive, there is the fact that the Witwatersrand Native Labour Association has spent more than £300,000 in the endeavour to secure unskilled workers. They have succeeded by this heavy outlay in producing a steady increase in the supply of labour since the resumption of mining after the war; but from the conclusion of peace down to February, 1904, a period of almost three years, the augmentation has amounted to only 59,000, leaving the total of natives employed in the gold mines at 67,000 as against 100,000 in August, 1899. At this rate of recruiting, which, by the bye, has not been maintained in spite of the most strenuous efforts, even the immediate requirements of the mines could not be satisfied in less than five years from the present time. This estimate, however, comprehends only the properties which were gold producers before the war. Allowing, also, for the needs of mines brought to and nearing the productive stage, the shortage

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could never be made good, but would each year become more pronounced. Already that shortage is so acutely felt as to have created a serious position in South Africa—from Cape Town to the Zambesi. But on this score more anon. For the moment it will suffice to establish that the dearth of native labour is not exaggerated, and that, whatever course may be pursued to put an end to it, will be welcomed by all who have the interests of the sub-continent at heart. It is alleged that the capitalists who control the destinies of the mining industry in the Transvaal, for reasons of self-aggrandisement, purposely avoid an increase in the supply of "boys." They want, it is said, to starve the labour market, and by this means to produce such marked stagnation in the Colony as will break down all prejudice to the importation of Asiatics. As against the suggestion of disinclination to recruit "boys" in Africa, so that the demand for the Asiatics might be aided, there is the failure of the agents appointed by the Native Labour Association. They do not admit the impossibility of obtaining supplies, but if their contention could be justified, why is

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the shortage of labour so acute? These men have scoured every available district, including the Transvaal, Orange River Colony, Cape Colony, Swaziland, Bechuanaland Protectorate and such portions of Portuguese East Africa as are open to recruiting. They are, too, paid by results, so that in disputing the necessity for importing labour from outside, they surely protest in vain. But the most striking commentary upon the opinion of the labour agents is the fact that the Town Council of Johannesburg, which pays its coloured employees up to 75s. per month, has failed to obtain an adequate supply. Is this an indication of the "ample resources" of which so much has been made?

Let us hark back to pre-war days. In those halcyon times native wages were at their highest level, viz., at £3 or more per month. And yet the active recruiting which proceeded yielded no better result than an increase at the rate of 18,000 boys a year. To say that such a growth of supply is commensurate with the requirements, not only of the great mining industry but also of the industrial necessities of a country like the Transvaal, is to beg the question. Apart from rash assertion, bare of

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any sort of tangible proof, not one scrap of evidence has been adduced showing from whence the aboriginal natives can be drafted for labour purposes in sufficient numbers. Even those who are induced to come to the mines do not stay, whether their treatment be good or bad, whether the wages are high or low. Between the formation of the Native Labour Association in 1900 and July, 1903, no less than 120,000 "boys" were sent to Johannesburg, and to-day the total number working is under 70,000. The system of recruiting is costly enough under the most favourable circumstances, but it becomes impracticable when, as is shown, twelve natives have to be engaged at a premium in order that seven might be retained for a few months. Under such conditions, obviously, no industry could remain successful.

The fierce light which beats down upon the Chinese Labour Controversy is not permitted, unfortunately, to reveal that unskilled hands are wanted for other than the gold mining industry. There are the claims of agriculture; of ostrich farming, coal-mining, of the public works department and municipal authorities,

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and of the community at large in a domestic sense. Last but not least is the urgency of a regular supply for the maintenance of existing railways and the construction of new lines. Are these sham demands? Is it to be contended that everybody, from the highest to the lowest public official, from the farmer to the humble employer of colonised labour, is in league with the rich mine owners? If not, where is the justification for the indictment attributing sinister motives to the supporters of Chinese labour? For the failure to obtain natives for work in a country thickly populated with able-bodied blacks, no personal responsibility attaches to anyone. It is due in part to the treatment of native tribes, and since it constitutes an exceptional difficulty it can only be met by exceptional measures.

### **CAUSE AND EFFECT.**

It is tolerably clear that the shortage of Natives industrially is due, firstly, to the mistaken licence which they are permitted to enjoy, and secondly, to the quite abnormal demand created by the gold mines. Of old, the coloured unskilled labourer in South Africa

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(not including ordinary domestic servants) was content to hire out his services for a mere nominal sum per month. In those days there were at least three Kaffirs available for any menial vacancy to be filled. To-day, the position is reversed, and there are three employers to every available Kaffir. Small wonder, then, that in the competition inevitably accompanying such a state of affairs the native should be master of the situation. Mistakes, of course, have been made by the mine owners. It would be idle to deny that the reduction of native wages in the mines did exercise a prejudicial effect upon the Kaffir mind. But this step in economy did not produce the shortage of labour ; it tended to aggravate it. The root cause of the failure to obtain the necessary quantum of "boys" was, it may be repeated, the revolutionising of the labour market by the needs of the gold mining industry. Whatever charge may be laid to the doors of the mine holders for past acts they have, since the conclusion of the war, endeavoured to adjust the balance between demand and supply in view of these economic changes. Their efforts are attested to in the

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voluminous Labour Commission Report which the House of Commons had the opportunity of discussing. Seemingly, they attempted the impossible, and having exhausted every recruiting ground in South Central and Portuguese East Africa they were justified in pleading that they should be allowed to seek labour elsewhere. It is always being asked, "Why not employ white labour?" The question is a very proper one, and it is easily answered. We have in the Transvaal not a few mines the net earnings of which are so great as to still leave a wide margin of profit if white labourers were substituted for black. But these are exceptional cases. The majority of the mines contain ore bodies, which are technically known as "low grade," and to work these with white men at a living wage would mean financial disaster. The obvious rejoinder to this is, "Don't work your low grade ores!" In other words, suspend every measure of development and progress in South Africa, a country which, under proper administration, will become the most valuable jewel in the British Colonial Crown.

There is no precedent for suggesting that a

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rich possession like South Africa should be rendered unproductive because of trepidation to make a move which is justified by every form of reasoning. The cry "employ white labour" is after all somewhat reckless. South Africa wants mixed labour, with a preponderance of native, and as the demand for natives increases so work can be found for more and more white men. Therefore, in obtaining, from the Far East labour which is not to be had in South or Central Africa, we are securing for British workmen employment at a remunerative rate of wages. Again, by giving full play to the mining industry the scope of all other industries is enlarged and extended, and the wheels of South African progress are set into motion. The high cost of living in South Africa precludes the possibility of giving white labour preference over black.

As Sir Percy Fitzpatrick observed in his written statement presented to the Labour Commission "The whole superstructure upreared on the gold mining industry is vastly greater than it was in 1898." For the present, at all events, it is basis of the prosperity of South Africa. And its expansion will add con-

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siderably to the well-being of South Africans in general, including those Cape Colonists who so warmly inveigh against Chinese labour. Cape Colony, let us bear in mind, was anxious in the near past to import Italian labour, and was only frustrated in its desire by the refusal of the Italian Government to permit the export of workmen on the conditions offered. Now the argument is that the employment of John Chinaman will exclude the British subject. Would not Italian labour do likewise? If the statement holds good in the one case why not in the other? It is not an argument that appeals to everybody, however, and it may well be doubted that the Italian in Cape Colony would deprive a single capable and willing Englishman of his job, just as it may be asserted with confidence that Chinese labour in the Transvaal will improve the position of the white man.

### **CAPE COLONY DISAPPROVES!**

The attitude adopted by Cape Colony, or, rather, by its leading spokesmen, is somewhat difficult to understand when we reflect that its growth and development during the past

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seventeen or eighteen years have been entirely due to the gold industry in the Transvaal. The official figures abundantly prove this. There is, however, no necessity to go back farther than 1893, which was considered a good year for the Colony. The imports in 1893 amounted to £11,539,987. In 1895 they rose to £19,000,000, and steadily fell again until 1899, when they reached £19,000,000. In 1901 the imports amounted to £23,992,000, and in 1902 to £34,220,500. Such has been the rapid enhancement of Cape trade as the result of gold mining operations in the sister colony. But if the mines are to continue to work shorthanded, if the industrial life of the Transvaal is to be impaired because of the objections to Asiatic labour which have yet to be proved justifiable, then Cape Colony will go steadily backward, and we may look for annual deficits in the revenue of which the Cape people have just had a foretaste after a long period of prosperity. It is difficult to know by what line of reasoning—except on the ground of quite uncommon altruism—responsible politicians at the Cape oppose Chinese labour. As before observed, this colony has

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had its labour difficulties. It has felt the pinch of a scarcity of unskilled workmen, and it endeavoured to remedy the defect by sending a representative to Rome to obtain Italian labour, what time it was confronted with an army of white unemployed in its own territory. Passing, however, from this phase of the question to the practical issues it may be observed that Cape Colony has scarcely more right to concern itself with the internal domestic legislation of the Transvaal than have the Australian Colonies. There is the difference between the Cape and the Antipodean States that Australia has nothing to lose or gain by the character of the labour employed in the South African mines, while the prosperity of the Cape is indissolubly bound up with the prosperity of the Transvaal. On the other hand, it was the Cape Parliament that passed what is known as the Glen Grey Act. This is a statute designed to make the native industrious not by persuasion or inducement, but under the drastic penalty of imprisonment. It is not material that the Act in question is not so successful in operation as those who fathered it anticipated. The point

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is that the Glen Grey Act is a weapon of compulsion which would, had it been passed in the Transvaal, have produced a storm of resentment. Yet no one ever heard it stated that the Cape Colony had outraged every principle of freedom by instituting what is actually slavery in a modified form.

#### THE REAL NATIVE QUESTION.

There can be no doubt in the mind of any intelligent man who knows his South Africa, and who knows that, sooner or later the native question in that country will have to be seriously dealt with, that the pampering of the blacks and the right they enjoy to live in idleness is the foundation of serious trouble in the future. In South Africa, differing from the other Colonies of Great Britain, or countries inhabited by English-speaking races, the natives do not die out in their contact with white civilization. On the contrary, the coloured population is ever increasing, and with this growth the danger ahead of South Africa increases in a like ratio. There are a great many who favour the introduction of Chinese labour only because there is no hope of compelling the black man to

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work. Is it pleasant to contemplate that the Basutos, who have for long been the friends and allies of Great Britain, have from time to time incurred large expenditure in the acquisition of guns, some of which they purchased from the Boers. True, there are only some 300,000 natives in Basutoland, but they are a magnificent fighting force, and would represent, in the event of a general native rising, a foe not to be despised. And Basutoland is a large grower of cereals, or, as Sir Godfrey Lagden described it to the Labour Commission, "the great granary of South Africa."

Considering these facts one is impelled to the conclusion that systematic and comprehensive development of South African resources is the best safeguard against native aggression in that country. The natives must be brought into closer contact with the white man by means of industrial association. It matters nothing how this association is to be accomplished. The royal road to its attainment is undoubtedly by compulsory labour. Since, however, no Government will take the responsibility of advocating this remedy, the only alternative is the cheap and nasty Asiatic.

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Chinese labour is an experiment only. It may solve the vexed question which is now the pivot of South African and Imperial politics by producing an effect for which no allowance is made. It is reasonable to suppose that the aboriginal native is already discussing the proposal to bring over Chinamen. It is equally clear that, gifted as he is with no small intelligence, the South African black will discern in this movement some cause for alarm, lest in the hour of his need he cannot find employment. Such a fear, those who must work intermittently for the means of livelihood, cannot avoid. And the actual presence of the Chinese may be expected to prompt the holding of various *indabas* (meetings) to decide upon ways and means. The realisation of this theory cannot but create a spirit of rivalry never previously aroused in the Kaffir. More than this, the Chinese invasion will injure the aboriginal's dignity by destroying his independence. The demand for "boys" for domestic and other purposes at a higher rate of pay than they receive at the mines is responsible in part for that independence. But whatever the cause, the native is sure to experience a sense of un-

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easiness at what may appear to him as his probable permanent displacement. With this gloomy prospect before him, is it unreasonable to think that he will relent, and in his antagonism to the Chinaman, come forward as he has never come forward before in the history of South African gold mining ?

One of the points which has escaped the attention, even of those best qualified to discuss this big problem, is that South Africa never was and never can be entirely a white man's country. From the earliest days of British occupation, when actual slavery was in vogue, down to the present day, every estimate of advancement has been based upon the supposition of Native Labour on a large scale. Not even the difficulties of obtaining an ample supply in the 'nineties changed the conviction that under a carefully organised system of recruiting all requirements would be met.

### **ASIATIC LABOUR IN NATAL.**

The experiences of Natal have been that the South African native is at best an undesirable servant. And Natal has done without let or hindrance, without a whisper of remonstration

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even, precisely what is considered to be wholly immoral in the Transvaal. In the Garden Colony there are some 70,000 Indian coolies imported under a similar, but much more elastic, system of indenture, than will be the Chinese in the Transvaal. Indeed, the Asiatic coolie in Natal has helped to mould that Colony into prosperity. Under the regulations now in force these Coolies are compelled to return to India at the expiry of their contracts, but as a number enter as free immigrants, it is understood that special legislation of a prohibitory character is to be promulgated at an early date. It must be admitted without any intention of instituting an offensive comparison that the presence of large numbers of Indian coolies, free to enter into competition with a white population, is hardly more desirable than an invasion of Chinese under the same conditions. The sting of this remark lies in its application; in the fact that commercial and moral ruin is predicted for the Transvaal as the result of importing yellow labour, while there is the example of Natal, whose prosperity has exceeded all legitimate anticipation, notwithstanding the employment of Asiatics under a system vastly

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inferior to that proposed in the sister Colony. Natal supports with no uncertain voice the Chinese importation, and being the most progressive as well as the most patriotic of all the South African States, her verdict cannot be ignored, nor her integrity of purpose questioned.

## THE EFFECT OF THE SHORTAGE.

Every ill to which South Africa is now heir has its origin in the native labour problem. The producing mines are unable to work at their full capacity of stamps, the outcome being that numerous white men have been thrown out of employment, while others anxious to find employment are on the verge of starvation because the native scarcity automatically closes outside channels of industry. Agriculture is at a standstill ; public works cannot be continued ; necessary new railways have had temporarily to be abandoned ; and building operations are suspended. Commercially things are no better. Utter stagnation prevails in business spheres. The purchasing power of the people is confined within the narrowest limits, and merchandise is unsaleable. Instances can be quoted of London

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Revenue deficits, fiscal and railway, in the Transvaal and Cape Colonies attest eloquently to the very grave inroad of business depression throughout the country. The army of unemployed grows almost hourly, and the resources of charity are taxed to the uttermost to afford even the most inadequate relief. Can there be a shadow of a doubt as to the cause of this blight? And is there a man who can prove that, in the absence of compulsory black labour, the pressing problem can be solved save by the importation of Chinese? In the belief that

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South Africa offered special inducement to skilled workmen thousands of British subjects have migrated to the sub-continent. Of their number many have failed to obtain work, and those more fortunate in the first instance are losing their places because cheap unskilled labour is unobtainable. This, perhaps, is not the least piteous phase of the question. Let us forget, if we can, the havoc that is being wrought in other directions, and remember only that with a full complement of natives or Chinese, permanent employment can be found for all these out-o'-works, and for many more also. But what is going to happen if, as is desired by the opponents of Chinese labour, the Ordinance should become a dead letter? Simply that South Africa will rapidly descend in the commercial scale, probably develop into a hot-bed of crime, and the reign of the "sand-bagger" will flourish as it never flourished previously. Let the Ordinance come into immediate operation and a bright prospect for every South African community will simultaneously come into view. As far as can be understood, the weightiest objection to the Chinese Coolies is that they are morally un-

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speakable. Granted it is so, admit even that they constitute a social pest in their contact with Europeans, there is then the absolute safeguard of the restrictions upon their liberty which altogether counteract the alarmist assertions in respect to that objection. There is the further commendable provision to repatriate the yellowman at the expiry of his term of indenture. If the whole of the unskilled miners at the Rand were yellowmen the risk of contamination would then even be reduced to a minimum under the stringent clauses of which the Ordinance is made up. In the light of native history in South Africa, and face to face with the complex work of resettlement, the question of Chinese labour must be considered solely from the practical standpoint. It is, as before stated, an experiment under conditions which have never been tried. Moreover, some time must elapse before Johannesburg will shelter an appreciable number of pigtails, and meanwhile we shall be able to gather, not merely by observation but by the system in practice, whether the claims of Lord Milner and the leaders of the mining industry are solid or fictitious. It will be in the power of the

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Imperial Cabinet, assuming that responsible government in the Transvaal should be delayed for yet another year, to give notice of repeal of the Labour Ordinance. Here we have a further safeguard for the preservation of South Africa as a country in which the white residents will be spared the ignominy of Oriental vice in their midst.

We have it on the authority of Sir Percy Fitzpatrick that subject to a necessary supply of native or Chinese labour new schemes of development will proceed forthwith, and that they will involve the provision of working capital only to the huge extent of from forty to fifty millions sterling. This important announcement scarcely suggests that Chinese labour is going to effect the ruin of South Africa. The inference to the mind of anyone who will calmly survey the outlook is rather that the country has everything to gain in the shape of material advancement with but a fraction of risk that its social status will be in the smallest degree impaired. Much of course has been made of the point that the Chinaman will be a burden upon the Transvaal, inasmuch as his wages will go back to China. Well, take this point and

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inquire into its accuracy. Say that 100,000 Chinese are to be engaged for labour in the mines, and that their collective earnings will amount to £150,000 per month. This, then, is at the rate of £1,800,000 per annum, of which all but a fraction will find its way to the Far East. On the face of it, there is no small cause for alarm in the fact that the Transvaal trader cannot hope to benefit by one penny piece from this large "earned increment." On the face of it, Chinese labour can only be for the benefit of the mine owners. But may not something be said as to the other side of the picture? In the first place the wages come out of the mines. They represent, that is, a small proportion of the gold extracted from the ore—gold which would remain unextracted in the absence of labour. Secondly, by the employment of 100,000 Chinese, taking the proportion of one white to 10 coloured, work would be given to 10,000 European labourers, whose wages may be set down at an average of £20 per month, or £200,000. Multiply the latter figure by 12, and the result is a sum of £2,400,000. So that while the payments in Chinese earnings would apparently impoverish the country by

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£1,800,000 a year they would involve an actual gain to it of £600,000 as regards the mines alone. But the augmentation of the labour supply by 100,000 yellow men would release many thousands of aboriginal natives for the benefit of other industries. It would free a large number for railway construction and other necessary works of development. It would most certainly restore confidence in the commercial outlook of the whole of South Africa, and add new vigour to the work of opening up and improving the sub-continent in all directions. Refuse the right to import labour for the mines and South Africa will slip back to the insignificant position it held previous to the discovery of the Rand. The assumption, within a reasonable period, of reduced rents, and cheaper living generally—of such economic conditions briefly as will render possible the substitution of white for black unskilled labour—has no warrant. A change of this kind, indeed, may be relegated to the limbo of the remote future. It will not come in our day. Every scheme for the development of Transvaal resources, whether in the shape of new railways, of gold-bearing properties to be rendered pro-

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ductive, of agricultural and industrial advancement, is based upon the hypothesis of native labour in plenty. And every scheme is dependent primarily on the success of the mining industry. The one is the necessary corrolary of the other. Therefore, to retard the progress of gold production is to inflict great injury, not only on South Africa in particular, but on innumerable British investors, manufacturers and merchants in general. In the re-furnishing of South Africa there is work locally for all the idle hands and for many of the unemployed in the Mother Country ; there is business also for the British Empire.

### IS IT SLAVERY ?

There is one feature characterising the controversy which it is not easy to understand, and that is the persistent manner in which the anti-Asiatics describe the proposal to introduce Chinese labour as the reinstitution of slavery. Undoubtedly this is an abuse of language. Slavery, in the mildest construction to be placed upon that vile traffic, gives no option to the slave. The yellow man cannot be made to work for the South African mine owners. He

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cannot be compelled to accept service at the Rand. The conditions of his engagement are to be made perfectly clear to him. He will know exactly what he is required to do and how much he will get in the shape of remuneration, and armed with this knowledge he is entitled to say yes or no. If such is slavery, if to voluntarily enter into a contract the terms of which are not open to doubt is slavery, then the whole fabric of commerce is based upon slave-dom, and the dictionary definition of the word will have to be altered.

### **CONCLUSIONS.**

The conclusions to be drawn from the foregoing facts and figures are manifest. There can be no manner of doubt that a good case is presented for the importation of labour into the Transvaal. Upon social grounds it would perhaps be better had men of different nationality been chosen, but it happens unfortunately that the yellow man is a capable labourer whose application to duty, and whose industrious habits are qualities to be found in the male population of no other race to the same extent. The Labour Ordinance in its modified form is

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security at least for the segregation of the Chinaman in the Transvaal, and for his total exclusion from any of the privileges which are the tokens of citizenship. Only by a big stretch of the imagination, however, can the system to be adopted be described as slavery. The Chinese coolie will work the same number of hours as the aboriginal native, he will have his day of rest on the Sunday, and that his treatment will be humane is assured in advance, because if it were not, an end would be put to the importation. If any improvement were possible it would perhaps be that, since Chinese labour will remove the last obstacle to the successful development of the mines and the country at large, the supply should be limited. Such a limitation would satisfy many who oppose the introduction of the Asiatic solely on ethical grounds. It would, moreover, forcibly bring home to the mind of the South African native that the yellow man was not his competitor but his necessary substitute. Let the Government say to the mine owners "You may go so far but no farther." In short, let it be known that Chinese labour is an experiment pure and simple, and that advantage cannot be taken of the

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Statute permitting it to make of the Transvaal a Chinese Colony. Hardly less important is it that some irrevocable undertaking should be given by the mine owners as to the employment of white labour. The present proportion, accepting the evidence given before the Labour Commission, is one white man to ten natives, and that is a standard which will have to be maintained in the future. The omission of any binding clause in this respect lends colour to the insinuation so often made that the Chinaman works so well as to render the presence of an overseer unnecessary. Remove this suspicion or fear, and fix the maximum figure of the number of Chinese to be recruited, and all but fantastic objections to yellow labour disappear.

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PHASE II.

THE CASE AGAINST THE  
INTRODUCTION OF THE CHINAMAN.

That it is very unwise to over-state a case is admitted by all good lawyers, yet this would seem to be the error made both by those who advocate and those who oppose the introduction of Chinese unskilled labour into South Africa. It is as absurd to claim that the status of the Chinese coolie employed in the gold mines of the Witwatersrand under the terms of the Ordinance passed by the Transvaal Legislative Council and confirmed by the Imperial Parliament, will be that of a slave, as it is to say that the future of the mining industry and with it the progress and development of South Africa depends upon this form of labour. The cry of "slavery" has been raised as an excellent one with which to appeal to the people of England, a fact known perhaps to none better than to those who are responsible for its adoption.

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If this objection to indentured labour in countries under the British flag is an honest one, it is strange indeed that nothing has been heard previously in opposition to its use in the Straits Settlements. Here all manual labour is performed by Asiatics, of whom the Chinese are by far the most numerous and, at the same time, the most useful. For road, railway, and estate work, a certain number of Tamils from Southern India, and natives from other parts of that country are employed, but the chief industry of the territory, viz., the digging and washing of the tin deposit is carried on by the aid of the Chinese coolie. These labourers are of two classes, the free and the indentured. The free labourer is the man who arrives in the country at his own expense, and hires out his services on terms most advantageous to himself, or who, having been originally an indentured labourer, and fulfilled his obligations, is free to enter into other engagements. The indentured coolie, on the other hand, is the labourer who has been brought to the country by a contractor, and who has had advanced to him the amount of his passage money from China, cash for an outfit of clothes, and, in

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addition, money to leave with his relatives to assist in supporting them until such time as he can make remittances from his earnings. To secure the repayment of the moneys thus advanced, the coolie enters into an agreement with the contractor to labour for a certain term of years at a fixed rate of wage, and under agreed conditions. An official, designated the Protector of Chinese, is appointed by the British Government, his duties being to see that the agreements thus entered into are not drawn in a manner calculated to inflict injustice or injury upon the labourer, and that the contractor faithfully carries out the conditions binding upon him. Labour of this description cannot with justice be likened to slavery, and just as it would be unfair to use such a term in connection with it, so is it unfair to say that the indentured coolie in the Transvaal who would be brought in under like conditions would be in the position of the negro slave who worked the cotton plantations of the Southern States of America, or the Central African native, who is ruthlessly taken from his home by Arab raiders, and sold by them to the highest bidder, to labour without pay, and for

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only such food and clothing as his purchaser may choose to provide.

If, however, the opponents of the advent of the Celestial have used arguments and terms which the circumstances scarcely warrant the like may be said of those who favour it. Wild and erroneous statements will not assist the English people in arriving at a conclusion on a subject of such importance to the nation. An effort will be made in the following pages to lay the case from the anti-Chinese point of view before them in a fair and reasonable manner, with an earnest desire to assist the people of this country in arriving at a just appreciation of the problem which the South African labour question presents.

## **THE AFRICAN LABOUR SUPPLY.**

The anthropologist tells us that as a race the negro is of indolent habit, and certainly the natives of South Africa are no exception to this rule. The difficulty in obtaining black unskilled labour in sufficient quantities for the needs of the country is no new one, but one which has grown more acute as the development of the mining industry in the Transvaal

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has progressed. The shortage was beginning to make itself felt in the pre-war days, and the requirements of the Witwatersrand gold fields were only met by the payment of a constantly increasing rate of wage.

In January, 1891, the average pay for native labourers was £2 2s. per head per month. In 1893 it had risen to £2 18s. 10d., and in 1895 to £3 3s. 6d. During this period the wage paid to natives in the other South African States ruled at from 15s. to 30s. per month, and the managers of the mining industry protested that it was the failure of the Boer Government to facilitate the introduction of natives from outside territories, and to provide protection for them on the journey to and from the gold fields that largely contributed to the high rates they were called upon to pay. Writing upon this subject in his book, "The Transvaal from Within," Sir Percy Fitzpatrick says: "Unquestionably the illwill of the Boer Government is to blame for the consistent neglect of this growing need of the mines. If decent protection and facilities were given, the wage could be reduced to £1 15s. per month. The Government has it in its power to give

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the mines labour at this price, but, as a matter of fact, there is no desire to see the lower grade mines working. A reduction of £1 a month—that is, to £2 3s. 6d.—would mean an annual saving of £650,000, and the main reason why nothing has been done to obtain this reduction is that President Kruger holds that the gold fields are already big enough, and that their further extension would be a calamity."

With the passing of the country from Boer to British hands these facilities and this protection were provided and the mining managers at once proceeded to reduce the amount paid to the native labourers.

### **BUT THEY WENT TOO FAR.**

The reduction made, it is well to note, was not on the basis fore-shadowed by Sir Percy Fitzpatrick but of a yet more sweeping character, with the result that the average monthly wage paid during the six months ended December 31st, 1901, amounted to 26s. 4d., and during the year 1902 to 26s. 8d., while other employers were offering from £2 to £4 per month. The native at once took fright. Why, he argued, should he engage in the hard

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and strenuous toil which life in the mines entailed for a wage averaging 26s. to 27s. per month when he could obtain much easier forms of labour at a higher rate of pay. With the natives in this frame of mind, little surprise need be expressed at the failure of the agents of the Witwatersrand Native Labour Association to secure the amount of labour the development of the mining industry rendered necessary. Under the circumstances they would have found considerable difficulty in recruiting men had there been no other conditions operating against them. But there were other conditions. First, the dislocation caused by the war ; next, the position of affluence and comfort in which the native was placed owing to the high rate of wage paid by the military authorities, and to the bountiful harvests of the two previous years. The African native does not engage in labour unless stern necessity compels him to do so, or as a means to an end. When food is abundant he remains at his kraal, and loth, indeed, is he to leave it and the comparative ease and comfort he enjoys. In times of drought or scarcity consequent on a revisititation of locusts, or, thinking the time has arrived

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when he should take to himself a wife, the native desires to obtain the money with which to pay the *lobola*, *i.e.*, the marriage portion which custom ordains should be paid by the bridegroom elect—then, and then only, does the aboriginal leave his home and seek to earn money by honest toil. Having, after much consideration, made up his mind to work, he endeavours to dispose of his services in such manner as will give him the greatest return of money for the least possible amount of exertion. In the effort thus made he naturally proceeds to what he considers will afford the best market and disposes of his services on terms most advantageous to himself. At such times he remembers the information he has received—and news, it should be known, travels fast amongst the native tribes—as to the reduced price which this, or that, or the other employer is paying, and in consequence passes them by and engages himself to that one from whom he will get the best return. Mining has never been a favourite form of occupation with the natives ; the work is hard, the mortality high, and the general conditions unattractive. The Paramount Chiefs and Head-

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men were never in favour of their men proceeding to Johannesburg. "We do not like them to go," they were wont to say, "they go there only to die." The one redeeming feature, so far as the native was concerned, was the high wage that he was enabled to earn, but when this condition disappeared there was no longer any incentive to him to seek for work within the mining area, and thus we find that, whereas in the pre-war days the maximum supply for the mines was 96,704, and for the town of Johannesburg about 25,000; at the end of 1902 the mines had only 45,968 natives working, while the number engaged on the Witwatersrand fields, other than mining work, was returned at 37,158.

A consideration of these figures gave the Managers pause, and they were forced to the conclusion that in their efforts to obtain cheap labour they had overstepped the mark. Efforts were made to improve the position, and in September, 1902, a system of piecework was introduced, and during the three months in which it was in vogue, considerable improvement in efficiency was obtained. The trial given to this system was rather limited both in scope and

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time, owing in a great measure to the difficulties of applying it on definite lines to any but two or three divisions of work. A basis was however arranged for drill and hammer boys, and discretion was given to the mine managers in respect to other classes of labour to pay by results. The system was not well received, partly because some natives objected to doing more work than their fellows, although by so doing they could increase their earnings from the maximum fixed wage of 35/- to upwards of 40/-, and in some cases a good deal more.

## THE OLD RATE RESTORED.

After a three-months' trial of the piecework system the Committee of the Transvaal Chamber of Mines decided in January, 1903, to restore the old schedule of wages, a decision in which they were no doubt influenced owing to the pressure that was brought to bear on those responsible for the working of the mines to do everything possible to restore the industry to its previous position. There were many, however, who doubted if those who had the control of affairs were as anxious to see this accomplished as they would wish the world to believe,

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and colour was given to this doubt by a remarkable statement made by Sir J. Percy Fitzpatrick at Johannesburg on February 26th, 1903. Speaking on this occasion as President of the Transvaal Chamber of Mines to the members of that body at their annual meeting he said, "I cannot share the despondency which many feel, or affect to feel, regarding the African supply. It is perfectly clear that the numbers we had before the War have not returned to us. In what respect are our prospects worse than before? I say they are better—much better. Nor do I share the view which some have expressed, that to get back to our pre-war position of about 100,000 boys would be a calamity, because that would be our sticking point, and because that supply would be too small for our future needs and yet *too large to warrant importation of Asiatics.*" From this it is clearly evident that there were some who opposed the recruiting of natives in such numbers as would restore the position occupied by the industry, so far as its labour supply was concerned, to that of September, 1899. If this were so, if the mining magnates having already made up their minds to agitate for Chinese

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labour did not wish to see an adequate native supply, why, it may be asked, did the Native Labour Association, the servants of these same magnates, devote so much time and money to this end? The answer is that their efforts were more apparent than real. Just as it is easy for the entirely lazy man to pretend to look for work in which he has no intention of engaging, so is it easy to seek for labourers but at the same time to take care not to find them. If these efforts were real, if the aboriginal labourers were indeed required, and if the Native Labour Association itself was not on account of its failure to carry out the objects for which it was apparently formed to be used as an instrument for the introduction of Chinese, why were not the offers which were made by outside recruiting agents to make up the shortage accepted? It is said that these agents refused the terms offered them. "Their reason for this refusal is," said the President of the Chamber of Mines, at the meeting to which reference has been previously made, "that they do not want what we call reasonable terms, but want to get the position of independence and the handsome premiums which they enjoyed in the past."

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This, however, would not suit the managers of the industry—everything and everyone must be subservient to themselves—and if the agents who were willing to accept their terms and become their servants could not obtain labourers—well, they would do without them. It would suit the end they had in view for the shortage to continue, and then when the question came to be inquired into, the failure of the Association to recruit labour, even after they had expended large sums of money in the attempt, would be accepted as conclusive evidence that they had done their best, that they had tried every expedient, and that they had failed only because the resources of Africa were exhausted. Some there were, and it should be recorded to their credit when the history of this agitation comes to be written, who protested in strong terms against such unfair tactics. These men recognised in the labour question a real problem, and one to which they were prepared to manfully seek a solution. Not for them the policy of despair. They held that the resources of Africa were not exhausted, and that while it would be absurd to seek a solution at one magic touch, many partial solutions would help them to com-

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plete success. Unfortunately these men were too few in number—their voice could not be heard above the crowd who were willing to shout in obedience to orders that Africa had been tried and found wanting, and that no other means of solving the problem remained but to allow the importation of Chinese, the importation of men who wherever they had gone had proved themselves undesirable members of a society constituted on European principles, injurious to the State in general, and to the white workers in that State in particular.

## THE START OF THE AGITATION—AND AFTER.

The agitation having been started, a Commission was appointed by Lord Milner to enquire what amount of labour was necessary for the requirements of the agricultural, mining and other industries in the Transvaal, and to ascertain how far it would be possible to obtain an adequate supply to meet such requirements from Central and Southern Africa. The Commission after sitting for thirty-two days, during which period a mass of evidence was tendered by witnesses drawn from all parts of the country, reported that the total shortage of labour was

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241,000, and the majority report expressed the opinion that neither Central or Southern Africa could supply the wants of the Transvaal. It is worthy of note, however, that the last act of the Sprigg Ministry previous to resigning office consisted in handing to Sir W. F. Hely-Hutchinson, the Governor of Cape Colony, a minute in which they expressed the conviction that no sincere effort had been made to secure the labour necessary, labour which they state can be obtained in Africa in the countries south of the equator. This opinion is confirmed by the evidence given before the Labour Commission by Nathaniel Cyril Umhalla, a chief of a native tribe residing in the King Williams Town district of the Cape Colony, "Treat the natives," he said, "as you would household servants. Give them a liberal scale of pay and the ill-feeling which at present exists will disappear. Then you would have such an influx of labour as you never had." This Chief was corroborated by other native headmen, and, taken in conjunction with the testimony of the Cape Ministry, one is forced to the conclusion that the formation of the Witwatersrand Native Labour Association in the early days of

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1900, within a few months of the outbreak of hostilities, and the reduction in the wage offered when work was resumed on the gold fields was part of a great scheme—a conspiracy it has been called—which would enable the mining magnates to agitate for the introduction of the cheaper and more docile labourer whom they fondly hope they have discovered in the Asiatic Coolie.

### **WHY NOT EMPLOY WHITE MINERS?**

Granting, for a moment for the sake of argument, that the native supply is insufficient, why should not this be supplemented by the employment of Europeans?

The requirements of the mining industry are clearly shown in the speech delivered by Mr. Reyersbach at the third annual meeting of the shareholders of the Robinson Central Deep Gold Mining Company, held at Johannesburg on the 11th March, 1903. In his address on this occasion the Chairman said, "We must have labour; and we must obtain labour at prices which will enable these fields to yield a return to the investor; that is to say, labour must be procurable at a figure

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which will leave a reasonable margin of profit between the working expenses and the gold contents of the ore. The latter is almost a fixed quantity on these fields, and we have to measure our prosperity by the former. Low working costs mean the treatment of a larger quantity of ore, and carry with them an increase in prosperity all round. High-working costs must mean stagnation, and must in the long run be detrimentally felt by the whole community." If this speech means anything it means that the companies very reasonably claim to be allowed to carry on their operations on a basis which shall yield a fair margin of profit. This being so it may be interesting to examine the returns made by some of the producing companies for the month of January, 1904, and see if the margin between working cost and return of gold is a reasonable one or not. Taking the returns of fifteen companies which come first to hand, and which are in no way selected to provide an illustration, we find that during the month under review these companies crushed 212,959 tons of ore at a cost of £248,592, the gold contents being valued at £446,062. The profit which was made thus

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amounted to £197,470, equal to 18/6 per ton treated. Mines in which the ore contents are of this value, a fixed value, as Mr. Reyersbach pointed out, could very well afford to employ white labour. That they do not do so is only due to a desire on the part of the proprietors to earn even larger profits than those at present obtaining, and also because they view with fear the establishment of a large white labour population on the Rand.

#### THE MAGNATES' VIEWS.

Mr. C. D. Rudd, who is so largely interested in South African mining ventures, writing to the *Times* with reference to a proposal which had been made to substitute white for coloured labour, said :—" Could Mr. Kidd replace the 200,000 native workers by 100,000 unskilled whites, they would simply hold the Government of the country in the hollow of their hand, and, without any disparagement to the British labourer, I prefer to see the more intellectual section of the community at the helm."

That this was the position taken up by the magnates is also clearly shown by Mr. Percy Tarbutt, the Chairman of the Villiage Main

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Reef Gold Mining Company. Writing to Mr. F. H. P. Creswell, the Manager of the Mine, under date 3rd July, 1902, he says:—"With reference to your trial of white labour for surface works on the mines, I was not present at the Board meeting when a letter was written stating that the Board did not approve of the suggestion, and on receipt of the last mail I called another Board to reconsider the matter, in view of the fact that the Local Board had already commenced to adopt my suggestion. I have consulted the Consolidated Goldfields people, and one of the members of the Board of the Villiage Main has consulted Messrs. Werner, Beit & Co., and the feeling seems to be one of fear that if a large number of white men are employed on the Rand in the position of labourers the same troubles will arise as are prevalent in the Australian Colonies, i.e., that the combination of the labouring classes will become so strong as to be able, more or less, to dictate, not only the question of wages, but also political questions by the power of the votes when a representative government is established." In these two statements we have what is uppermost in the minds of the magnates when

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they say that white labour is impossible. We are told that the experiment has been tried and failed. Let us examine the conditions under which this trial was made.

When work was resumed on the gold fields a state of war existed, and men were only allowed to remain in Johannesburg on condition that they were engaged in some business. A number of time-expired irregulars were anxious to obtain work, and Lord Kitchener agreed to their employment on terms equal to those paid by the Imperial Government for service in the field. A considerable proportion of the men who were thus engaged were totally unfitted for the work. Clerks, hosiers, drapers or general storekeepers could not be expected to give such good returns as men would do who had been used to a more laborious class of work. Many of these labourers gave up the work at the first opportunity presented, but a proportion remained and their efforts were viewed with sympathy, if not with cordial approval, by the mine managers and others interested in the industry, and as they became more acquainted with the work they had undertaken they began

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to show that it would be possible to successfully work the mines with a large proportion of white labour. The mining magnates scented danger, they expressed their views, and the result was quickly apparent. Mine managers and others, men like Sir Percy Fitzpatrick and Mr. R. W. Schumacher, who had hitherto been in sympathy with the movement, suddenly effected a complete *volte-face* and opposed it. That the men controlling the industry should hold views opposed to the employment of white unskilled labour, partly on economic and partly on political grounds, naturally had its effect on those who were conducting the experiment. What the magnates virtually said was this: "You may try white labour but we do not want it. We are afraid of it." They knew that with a large white labouring population there would be combination, and it was the power which organised labour would wield, of which they stood in fear. The mine managers recognised that results adverse to the employment of white labour would be welcomed, and it is not, therefore, surprising that, approached in this way, an experiment requiring careful handling and resolution to

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overcome difficulties as they arose, should have been pronounced a failure. As Mr. Creswell said when giving evidence before the Labour Commission, "the subject was approached with a preconceived notion that it might succeed, but that it was hardly worth while making it succeed." Had there been anyone to say, "You must supplement your native labour supply with white labour—there is nothing else," the result would undoubtedly have been different. What has been done in connection with American mines can be done with South African mining propositions. The value of the ore mined by 45 producing companies during 1902 averaged 42s. per ton. In America mines of much lower grade value are successfully worked with European labour. This was proved by Mr. W. Hall in the evidence he submitted to the Industrial Commission which reported to the Boer Government in 1897. In this evidence Mr. Hall, leaving out the Alaska Treadwell Mine as being exceptionally favoured by nature, and confining himself to other American mines, which we are told are comparable with those of the Witwatersrand, showed that out of five gold mines and two

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copper mines the richest had a yield of 54s. 2d. per ton, the next richest of 30s. 3d., three a yield of under 30s. and over 20s. 2d.; and two of less than 10s. per ton. The managers of the Rand industry had these figures before them, and it stands out as a striking commentary on the manner in which they present their case, that in forwarding a memorandum to Mr. Chamberlain upon the labour question, they omitted all reference to them, and only cited the Crepple Creek with a yield of 200s. 6d. per ton, the Nevada with 205s. 4d., and the Colorado with 127s. 9d.

#### THE QUESTION OF A LIVING WAGE.

It is of course said that the cost of living in South Africa is greater than in America, and to an extent this is true. But it is well to bear in mind that all comparisons, so far as South Africa is concerned, are based on the living cost of the skilled artizan and his family. These men in all countries live in a greater state of comfort than the rough, unskilled labourer. Just as the mechanic in England receives 40s. per week as compared to the 25s. which is paid to the labourer who assists him,

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so should the unskilled man in South Africa receive £15 per month as against the £26 paid to the skilled artizan. That men, men of European stock, can live and bring up large families on such a wage, or even less, is proved by the number of Boers residing in the Transvaal who do." The Boer residents of the Colony are not all landowners or farmers. There is a large proportion of what is known as the "bywoner" class, men who work for a fixed wage, a wage which in very few instances exceeds £8 to £10 per month. Again, the cost of living on the Witwatersrand might be materially reduced were the mine owners to provide a number of small cottages for the accommodation of labourers and their families. These cottages could be built at a cost on which a rental of 7s. to 8s. per week would give a good return. The Education Department of the Colony is securing sites along the reef, and is prepared to establish free elementary and technical schools. Living under such conditions it may safely be said that the labourer receiving £3 10s. per week would find himself in a much better position than when working in England for 25s. The unmarried man can

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live in the mine boarding house at from 25s. to 30s. per week, and a frugal and thrifty wife could meet the whole of the requirements of a cottage, including rent, with £2 10s., leaving £1 per week to provide clothing and to make provision for that rainy day which comes to all.

"But," it is urged, "you must not degrade the white man. You must not introduce a number of Europeans who would have to engage in the laborious work which has hitherto been performed by the Kaffir." Is it degrading, it may be asked, for a man to take off his coat and engage in honest toil, or is it not more degrading that thousands of men are to-day walking the streets of our great English cities vainly seeking for work which the overstocked condition of our labour market makes it impossible for them to obtain? The straits to which these men are reduced is told by reports in the daily papers of proceedings in the police courts, and by the returns made by Poor-Law Guardians. Surely it were better to provide employment for men of our own nation than to allow the introduction of a horde of Asiatics. "You must not pauperise labour," say the mining magnates, and so large numbers of our

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labouring class must go on enjoying the comforts of an English workhouse, or spend an amount of their time in English prisons as punishment for stealing food for their families —food which they are not permitted to earn. A London weekly journal was recently pleased to sneer at the fact that the inhabitants of a small village of Berks had held a dinner-hour indignation meeting and protested against the introduction of cheap Asiatic labour into an English Colony. "Of course," says the writer, "the yokels, in their intervals of indignation over their own dinners, are quite prepared to be very wrath with a Chinaman for earning one on the Rand." This advocate of the Celestial conveniently forgets that "the yokels' dinner" would probably have been of a more substantial character were it not that he is to-day paying his share of the cost of the war. The yokel was willing to make sacrifices, believing the statements made that the war would be the means of opening up a vast field for the employment of Englishmen, and one can appreciate the indignation he feels when he discovers the only result to be to provide openings for men of other colour and race than his own.

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### SOUTH AFRICA WOULD BENEFIT WERE WHITE LABOURERS EMPLOYED.

The building of a number of model villages, inhabited by European labourers, with their families, would materially assist the agricultural and commercial communities of South Africa by providing a great market, and it is not too much to say that the future prosperity of the country depends upon the growth of its markets. The sources of wealth in the vast territories of the sub-continent are limited in number, and comprise agricultural land, pasture land, and minerals. Of these three, agricultural land is now and always has been the least important. A very small proportion of the total area of the territories is under cultivation, partly owing to the insufficient and uncertain nature of the rainfall, and partly to the tendency, confirmed by long habit, of the white farming population to prefer stock raising to tillage. Well-conceived irrigation schemes, carried out on a wide basis, would undoubtedly have the effect of making possible the cultivation of large areas, but it may well be doubted whether the present low prices at which cereals can be

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imported and the size of the markets to be supplied will warrant the expenditure of large capital sums for the purpose of breaking up the present waste land. Less incentive will be given to progress in this direction if instead of European and native labourers finding employment on the Rand, the Chinaman is allowed to take their place. The food of the native labourer, consisting of mealie meal, meat, salt and vegetables, can be produced in South Africa, and costs on an average £5 10s. per head per annum. Thus with one hundred thousand aborigines at work £550,000 should find its way annually into the pockets of the South African agriculturists—an amount which will be entirely lost to them should the Celestial take the place of the Kaffir, the requirements of the Asiatic being confined to rice, dried fish, preserved vegetables and opium, all of which will have to be imported. Populous markets will benefit the stock-farmer and commercial community, and South Africa has the right to expect that the exploitation of her mineral resources should provide these.

So far as the gold won from the Witwatersrand is concerned, South Africa benefits to a

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very slight degree, except inasmuch as the amount paid in the way of wages has been to a great extent expended in the country. At the time of the discovery of the payable nature of the banket deposit on the Rand, South Africa boasted few, if any, really rich men. It was in the very happy position of knowing neither riches nor poverty. The white population, both rural and urban, was fairly well-off, while the blacks had all that their limited requirements made necessary. Accordingly, when the gold was discovered and capital was being sought in order to develop the mines, that capital had to be obtained from Europe, chiefly from England, but to a considerable extent also from France, Germany and Holland. It is estimated that nineteen-twentieths at least of the profits made by the various mining concerns are paid to shareholders residing in other countries, and therefore not expended in South Africa. The majority even of those who, by their personal enterprise upon the spot, have amassed wealth, return to their homes in Europe and spend their incomes there. The result is that South Africa does not benefit in the way either of

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payments for labour (except, of course, labour at the mines) or of increased consumption of articles, out of its mineral products, but is rather in the position of Mexico or Peru in the seventeenth century, when the bulk of the precious metals won from the mines went to Spain as a sort of tribute. And if to-day a portion of the money paid for labour is also to find its way to other countries South Africa will benefit to an even less extent than it has hitherto done from its great mineral wealth.

### **WHAT THE EMPLOYMENT OF WHITES WOULD MEAN.**

Assuming that the 70,000 natives at present employed on the mines represents the entire available supply, it is clear that to get back to the position occupied before the war the mine managers must either obtain 25,000 Chinese or, calculating one European as equal to two Asiatics, 12,500 white labourers. And it is well to remember that just as one skilled workman is required for every six coloured labourers employed, so would one be required for every three whites. If, then, the importation of Chinese labourers is not sanctioned, 12,500 unskilled men and 4,150

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artizans would be added to the number of Europeans employed upon the gold fields. Let us consider what this would mean. The artizans, paid at the rate of £26 per month, would earn £107,900 and the labourers, at £15 per month, £182,500, a total of £290,400, a large proportion of which would be expended in the purchase of food stuffs and other commodities within the Colony to the great advantage of the entire sub-continent. If on the other hand 25,000 Chinese are imported then the white population will be increased, so far as the mines are concerned, by 4,150 artizans, spending a proportion of the £107,900 they earn, but the whole of the £182,500 for unskilled labour will be entirely lost to the country. The amount paid in cash to the alien will undoubtedly find its way to China, the same country being enriched by the amount expended in providing these labourers with food, all of which will have to be imported. But the matter does not end here. For as the commercial and other communities will be benefitted, and their numbers increased, by additional artizans finding work upon the gold-fields, in like proportion would they increase were

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white unskilled labourers to be engaged to make up whatever shortage there may be in the native supply. The effect of such employment upon the business life of South Africa can scarcely be calculated. The volume of trade at the five coast towns would go up by leaps and bounds, the railway systems in the Cape and Natal Colonies would be kept fully employed, Colonial Treasurers would not, as is the case with Mr. Walton, the Treasurer of Cape Colony, find themselves face to face with a deficit, and South Africa would, as she has a right to demand, benefit at least by the labour employed in the exploitation of her gold-fields.

### **THE FAIR DEMANDS OF THE MINING INDUSTRY.**

What the mining industry has a right to demand is that the Government afford such facilities as will enable it to carry on its operations and pay a fair amount of interest upon the capital which has been sunk in the purchase of the gold-bearing farms and in their development. With the inflated value of shares the country has nothing whatever to do. This was the work of stock speculators in

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Europe and has not helped South Africa in the most remote manner. But the facilities referred to have been granted. The dynamite monopoly has been cancelled, railway rates have been reduced, a strong and stable government has been established, protection has been provided for the native worker on his journey to and from the gold-fields, and the cost of living has been greatly reduced by the inclusion of the Transvaal within the South African Customs Union. All this is not enough for the gold magnate. "More, more," he shrieks. "Yes, I know at one time I was perfectly satisfied with an annual return of ten millions but now I want more." He knows that gold is there in the ground - gold to the value of seven hundred million pounds sterling, and his one and only desire is to be allowed to extract that gold in the shortest possible time and with the expenditure of the least possible amount of money. Whether South Africa prospers during the process he cares not, nor does it enter into his head to enquire what will be the position of the country when the gold-bearing quartz veins and the basket deposits are exhausted. But to the thinking man, to

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the man who has the best interests of the country at heart, and more especially to the one who has thrown in his lot with South Africa, who has made the land of the Southern Cross his home, these are questions which call for earnest consideration. That the time will arrive when, in spite of all the resources which chemical and mechanical science can place at our disposal, a depth will be reached beyond which mining operations will no longer be profitable or practical, is absolutely certain, even if the reefs should still continue to carry gold at the time. This point will probably be reached in some forty or fifty years.

### **WHAT THEN WILL BE THE POSITION?**

Just in the same manner as many of the silver lodes of Nevada have been worked out and abandoned, so will the Witwatersrand, as a goldfield become exhausted, the mouths of the shafts overgrown with shrubs and veldt flowers, while the expensive and high-grade machinery and crushing plants will either be dismantled or, having served their purpose, be left to join the general ruin. When this time arrives there will be no further cause for the

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existence of the mine workers at Johannesburg, and with their departure this busy hive of industry and noisy market place of speculation will again become the stony solitude which it was in 1880. There will, however, be one advantage which the district will have gained if the Government fosters the introduction of a large European population of skilled and unskilled labourers. The important market for agricultural product assured by such a population will warrant the expenditure of large sums upon irrigation schemes, and the incentive given will bring into being farmhouses with well-fenced lands under cultivation, lands which to-day are lying fallow, only supporting, possibly, one sheep on each 6 acres. Should this market be provided, the impetus given to the agricultural industry will be very great, and the country will be placed in the possession of an asset which will remain for all time. To-day, South Africa is living on its capital. Every ounce of gold extracted leaves the mineral wealth of the country so much the less. It can never be replaced. With agriculture the conditions are different. Every acre brought under cultivation adds to the wealth

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of the country, and at the same time allows the cultivator to live. The capital in this instance remains, and is, indeed, being constantly added to. It may be claimed that whatever may happen fifty years hence is no concern to people of the present day. This, unfortunately, is a view taken by very many of the residents upon the goldfields. Those who are of middle age cannot, in the natural course of events, live to see the day when the mines will become exhausted or impossible to work, while the younger generation are living on in the fond hope of making their pile 'ere either event happens. They give no heed to the future, but join with the gentleman who remarked that he did not interest himself in posterity as posterity had done nothing for him. The Government, however, must take heed of the future. The world condemns—and rightly condemns—the man who squanders an inheritance, leaving little or nothing for those who are to succeed him, and if the individual is to be condemned, how much more so a Government which, by its acts, allows the wealth of the State to be realized without leaving the country permanently benefitted as the result of such realization.

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### THE RELATION BETWEEN STATE AND LABOUR.

The duty of a Government towards the labourers residing within a State was very clearly defined by President Roosevelt in his first message to Congress. Discussing this question he said, "In this Republic, not only must labour be protected by tariff, but as far as possible from any labourers brought by contract, or from those who, coming freely, yet represent a standard of living so depressed that they can undersell our men in the labour market and drag them to a lower level. It is, therefore, necessary to re-enact the Chinese Exclusion Law and strengthen it where the necessary immigration laws are unsatisfactory." This, however, would not appear to be the view accepted by the majority of the Transvaal Legislative Council or by the present Imperial Government. They have adopted the view of the mining magnate, which would seem to be that the white unskilled labourer must not be employed because of the power he would wield through his vote, and that if the black will not work for 1/- per day, then a

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Chinaman must be introduced who will. The requirements of the natives are, year by year, increasing, a fact which is recognised by all who have traded to any extent with them. To foster this progressive tendency on the part of the aboriginal should be the great aim of the authorities, and this they will certainly not accomplish by reducing his pay to such a figure as will no longer make labour attractive to him. The native is very like a child, he desires to own anything he sees, and thus, when his brothers return from the goldfields bringing with them the articles of European clothing, the many-coloured sun umbrellas, the gorgeous snuff boxes, the mirrors, or any one of the number of things the native delights to purchase, he becomes envious and, much as he dislikes it, determines to work and procure similar articles for himself. A greater number of natives are working to-day in South Africa than at any previous period. As is only natural, they work where they can obtain the most money, and the managers of the mines cannot expect to command a sufficient supply unless they are prepared to pay a wage equal to that offered by other employers. At the docks at

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Cape Town, Port Elizabeth, East London and Durban, labourers earn from 4/- to 5/- per day, contractors at Johannesburg pay from £4 to £5 per month, and were the mining industry to offer a similar price we should hear little further of the alleged shortage in the native labour supply or of the demand for the introduction of the Asiatic. Of course if they do this, or if they supplement the native supply with white labour, they will no be enabled to pay the very large dividends that they have hitherto distributed, and shares would in consequence depreciate in value. With this, however, the Government is in no way concerned. The mines are sufficiently rich to enable them to be worked by labour paid for at current rates, and to return a good dividend upon the amount actually invested in them.

It would not appear to be the duty of a Government to pass special legislation providing for the introduction of a number of labourers to undersell those residing in the State—legislation which is only demanded to enable the mine directors to pay such dividends as would warrant the price at which shares in the various Companies have been dealt in.

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### DO THE TRANSVAALERS WANT CHINAMEN.

It has been asserted that the demand for Asiatic labour is a general one made by the people of the Transvaal, and it may perhaps be interesting to inquire upon what grounds this assertion is based. Those who deny the accuracy of the claim are referred to the finding of the Labour Commission, to the petition signed by some 40,000 residents of the Johannesburg goldfields, and to the passing of the ordinance by the Legislative Council of the Colony. The *personnel* of the Labour Commission, and of the Legislative Council, however, and the over-representation of the mining and official class, prevents any serious attention being paid to their decisions, while the amount of value to be attached to the Johannesburg petition may be grasped by the following extract from a speech delivered by Mr. H. C. Hull in the Legislative Council. Speaking on the motion for the second reading of the Labour Importation Draft Ordinance, on January 20th, he said : " He believed before that Ordinance reached any further stages a petition would be handed in, signed, he had no doubt, or purporting to have been signed,

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by many thousands of people in the Colony. Well, he preferred not to say anything as to the manner in which that particular petition had been got up, and how signatures had been obtained to it. All he could say was this, that evidence of that kind might do very well to bamboozle people in England, but he was perfectly certain that they in that country, who knew how these petitions were got up, would never be bamboozled by it."

If this petition represented the genuine feelings of the majority of the population there could have been no better way of showing it than by taking a referendum vote. Mr. Chamberlain, when in South Africa, promised that no decision should be arrived at, and that no such radical change in the economic history of the country as the importation of a horde of alien labourers would be allowed except with the approval of the majority of the people. Can it be said that votes in a nominated Legislative Council, in which the mining and official element predominates, is a manifestation of such approval. Mr. A. S. Raith, who represents the labour community of the Witwatersrand in the Council, has declared

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that the mechanics of the country are opposed to the introduction of Chinese, while resolutions condemning the proposal have been passed by meetings of the Dutch population in various parts of the Colony. This being so, it would have certainly been more satisfactory had a vote been taken, and the opinion of the people obtained before the country was committed to this policy. Mr. Lyttleton was evidently anxious to obtain such an expression of opinion, but Lord Milner objected to hanging up the decision for another six months, the time which would have been necessary to enable complete lists of voters in the rural districts to be prepared. Yet the High Commissioner knew this when the subject was first broached, a year ago, and the failure to organise a system by which a referendum vote might be taken would point to the fact that he has no great faith in having a majority of the people of the Colony with him. It is, therefore, evident that the inhabitants of the Transvaal Colony will have no opportunity of expressing their opinion one way or the other upon the subject, and if Lord Milner thinks he has obtained the approval of the people for the scheme by the course

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he has adopted, he will have a rude awakening, as was pointed out by Mr. G. G. Munnik, Chairman of the newly-formed Boeren Vereniging, should Chinese labour prove a failure and a detriment to South Africa. The opponents of the Labour Ordinance may justly claim that the recent manifestations in favour of the introduction of the Asiatic do not represent the genuine feelings of the majority of the population, but are merely the artificial product of skilful organisation.

The mine owner is of course entitled to make out the best case he can from his own point of view, but it does seem as though advantage has been taken of every circumstance to make the present position of affairs look as bad as possible. We are sometimes referred, for instance, to the output from the Rand and asked to compare the number of ounces of gold now obtained with those in the best periods before the war. The comparison, however, is scarcely a fair one, and to show this we cannot do better than take the figures for February, 1899, and February, 1904. During the first-named period 404,335 ounces of gold were obtained from all sources,

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while during February of the present year the amount won is returned at 289.520 ounces, so that the shortage would seem to be equal to 114,815 ounces. This is not so, however, for whereas in the 1899 figures the return made is in bullion of the value of £3 17s. 6d. per ounce, the returns since the resumption of work have been made in fine gold valued at £4 5s. per cunce. Thus, while the total value of the gold obtained in February, 1899, amounted to £1,566.798, that for the same month of this year represented £1,215,110, so that the difference only amounts to about £351,688, or 82,750 ounces. The conclusions to which a careful survey of all the features of the case would seem to lead, are:—

i.—That a large proportion of the labour necessary for the development of industrial and mining concerns in South Africa can be drawn from the natives residing in the territories south of the Equator, providing

(a) That sufficient inducement in the way of pay is offered.

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(b) That the natives are guaranteed safe conduct both from and to their kraals,

(c) That more attention be paid to the health conditions under which the work is performed, and

(d) That while not pampering the natives, the conditions under which the men live and work be made more attractive.

2.—That native labour should be supplemented by white.

3.—That it would be detrimental to the best interests of the sub-continent to allow the immigration of an unlimited number of Chinamen, and

4.—That the demand for such labour has not emanated from the majority of the population, but is only put forward by the mining magnates in order to enable them to make greater returns to shareholders than is possible under present conditions.

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**APPENDIX.**

**AN ORDINANCE**

**TO REGULATE THE INTRODUCTION INTO THE TRANSVAAL OF  
UNSKILLED NON-EUROPEAN LABOURERS.**

Whereas it is desirable to make provision for regulating the introduction from outside Africa south of 12 degrees north of the Equator into the Witwatersrand area, unskilled labour not being of European descent for the exploitation of minerals within the said area.

Be it enacted by the Lieutenant-Governor of the Transvaal with the advice and consent of the Legislative Council thereof as follows:—

1. In this Ordinance and all rules and regulations made thereunder unless the context otherwise requires the following expressions in inverted commas shall have the meaning placed opposite to them that is to say :—

“labourer” means a male person belonging to a non-European race other than

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one of the races indigenous to Africa south of 12 degrees north of the Equator introduced into this Colony for service in the gold mines in the Witwatersrand area, and that the Witwatersrand area shall include the area defined in the Schedule to this Ordinance ;

“unskilled labour” means such labour as is usually performed in mines in the Witwatersrand district by persons belonging to the aboriginal races or tribes of Africa south of the Equator ;

“importer” means any person introducing labourers into this Colony or any person to whom labourers have been transferred under this Ordinance ;

“country of origin” means in the case of any labourer the country from which such labourer is introduced ;

“contract” means the contract of service entered into by a labourer as provided in this Ordinance ;

“imprisonment” means imprisonment either with or without hard labour ;

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**APPOINTMENT OF OFFICERS; THEIR POWERS AND DUTIES.**

2. The Lieutenant-Governor may appoint a Superintendent of labourers (hereinafter styled the Superintendent) who shall have the general administration of this Ordinance and shall perform such duties and exercise such powers as may be imposed on him by this Ordinance or by regulations made thereunder, and may likewise from time to time appoint such Inspectors Medical Officers Clerks and other Officers as may be necessary for the proper administration of this Ordinance.

3. The Superintendent or any Inspector may at any time enter upon the premises on which labourers are employed and inspect the condition and general treatment of such labourers and the condition of their housing accommodation and hospital accommodation and may enquire into any complaint which an employer may have against a labourer or which a labourer may have against his employer and may require any labourer to be brought before him on any such visit and may either before or after such enquiry as aforesaid make a complaint or lay an information in his own name on behalf of a labourer against the employer or

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against any other person before the Magistrate  
of the District.

4. (1) The Superintendent or Inspector may summon any person as a witness whose evidence he considers necessary for the proper determination of any enquiry held by him; such summons shall be served in the same manner as a summons issued by a Magistrate is required to be served.

(2) Every person on whom such summons has been duly served who without any reasonable excuse refuses or neglects to attend at the time and place mentioned in such summons shall be liable to a penalty not exceeding ten pounds and in default of payment to imprisonment not exceeding one month.

(3) The Superintendent or Inspector shall require every statement given by any person at an enquiry held by him to be given upon oath and for such purpose he is hereby authorised to administer an oath to every such person.

(4) Every person who refuses to be so sworn when thereto required shall be deemed to have hindered the officer holding the enquiry in the execution of his duty and shall be liable to be punished accordingly.

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(5) Every person who after being so sworn wilfully makes a false statement as to anything material to the proper determination of the matter then in question shall be deemed guilty of perjury and shall be liable to be indicted and if convicted punished accordingly.

**INTRODUCTION OF LABOURERS.**

5. It shall not be lawful for any labourer to enter, be, or reside, or be introduced into the Colony unless he shall previously have entered into the contract referred to in section 8, and until such contract has been registered in the office of the Superintendent.

6. No person shall introduce labourers into this Colony unless he has obtained a license to do so from the Lieutenant-Governor under the next succeeding section nor contrary to the terms of such license ; any person contravening this section shall be liable to a penalty of one hundred pounds for every such labourer introduced by him and shall further be bound to refund to the Superintendent any expenses incurred by him in returning such person to his country of origin.

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7. (1) The Lieutenant-Governor may subject to the provisions of this Ordinance grant a license to any person to introduce labourers into this Colony to perform unskilled labour only in the exploitation of minerals within the Witwatersrand District,
- (2) No such licence shall be granted until the Lieut.-Governor is satisfied: (a) that the Government of the Colony or State in which the port is situated through which such labourers will enter South Africa for the purpose of being conveyed to the Transvaal has made adequate provision (1) for the medical examination of such labourers on their arrival at such port; (2) for preventing the landing of labourers who, after such medical examination, are found to be insane or suffering from a contagious or infectious disease; (3) for the control of labourers while in transit to this colony back to their country of origin.
- (b) That suitable accommodation for the housing of such labourers on the premises on which they are to be employed will be ready on their arrival in this colony;
- (c) That proper security in terms of Section 19 has been given by the applicant.

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(3) On every such licence there shall be paid the sum of one hundred pounds, and every such licensee shall state the port in South Africa through which such labourers shall be introduced.

(4) No such labourer shall be employed elsewhere in this colony than in the Witwatersrand district.

8. Every person obtaining a license under the last preceding section to introduce labourers shall for such purpose enter into a contract in writing with such labourers, which contract shall be signed by the labourers to be bound thereby or by the person authorised in writing to contract on their behalf.

Such contract shall be of full force and effect in this colony as soon as it is registered in the office of the superintendent.

9. The introduction of labourers shall be subject to the following conditions which shall be embodied in the contract between the importer and the labourers :

(a) That so long as the labourer remains in this colony he shall be employed only on unskilled labour in the exploitation of minerals within the Witwatersrand dis-

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trict and in particular shall not be employed in any of the trades and occupations specified in the schedule, except for unskilled labour therein ;

- (b) that he shall only serve the person introducing him or any other person who has obtained a license under this Ordinance to introduce labourers and to whom the rights of such first mentioned persons under the contract may be lawfully transferred as provided under Section 2 hereof for a term of service to be fixed by the contract ;
- (c) that on the determination by effluxion of time or otherwise of the contract or a renewal thereof the labourer shall be returned without delay at the expense of the importer to his country of origin.
- (d) That so long as the labourer remains in this colony he shall be subject to the provisions of the Labour Importation Ordinance, 1904, and more especially to the provisions contained in Sections 12, 13, 17, 20, 24 and 27 sub-section (9) thereof which shall be set forth in a schedule to the contract.

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10. (1) No such contract as aforesaid shall be for a longer period than three years, but on the expiration thereof it may be renewed on the same terms and conditions as those stated in the original contract for a further period or periods not exceeding in all three years.

(2) Any person introducing or employing labourers under a contract not complying with the requirements of Section 7 and 8 shall be deemed to be guilty of a contravention of this Ordinance and liable to the penalties prescribed in Section 5 hereof.

11. Any importer may with the sanction of the Lieutenant-Governor and under the regulations made by him assign by deed his rights under any contract with any labourer to any other person who has obtained a license to import labourers under this Ordinance and has given the security mentioned in Section 19 hereof ; and thereupon such labourer and such other person shall be bound by all the terms of such contract as fully as if such other person had been a party thereto originally ; provided that the Superintendent is satisfied on such evidence as he may require that no consideration or value has passed or been promised for

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such transfer beyond the repayment by the transferee of the expenses incurred by the transferor in respect of the introduction of such labourer; and provided further that notice of every such transfer shall be given to the Superintendent and a certified copy of the instrument of transfer shall be registered at his office.

### CONTROL OF LABOURERS.

12. Every importer shall on the registration of the contract made by him with the labourers introduced by him deposit with the Superintendent a return showing :

- (a) the number of labourers introduced by him ;
- (b) the place or places at which such labourers are to be employed ;
- (c) such other particulars as may from time to time be required by regulations ; and there shall be lodged with such return an abstract of the certificate of some Medical Officer as to the health and fitness for labour of each such labourer.

13. No liquor, mining, general dealer's, importer's, hawker's, trading or other licence

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whatever shall be granted to any labourer, or to any person on behalf of or as agent or trustee for any labourer; nor shall it be lawful for any labourer to acquire, lease, or hold either directly or indirectly any house, land, building, or fixed property, or any mynpach claim, stand, or any right whatever to minerals or precious stones, either in his own name or in the name of any person on behalf of or as agent or trustee for him.

14. The importer shall on the registration of the contract between him and the labourers introduced by him obtain from the Superintendent for every one of such labourers an identification passport in the form prescribed by regulation which shall contain a complete record by which the holder thereof may be identified and traced and shall in any Court of Law be *prima facie* evidence of the facts therein recorded. Any importer contravening this Section shall be liable on conviction to a penalty not exceeding £50, and in default of payment to imprisonment not exceeding six months.

The said passport shall always be carried by the person described therein and shall be

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renewed on the first day of January of every year. There shall be paid to the Superintendent by the importer on the issue and on every renewal of such passport such sum as may be prescribed by regulations not exceeding twenty-four shillings each year.

15. The importer shall cause a register to be kept of all labourers introduced or employed by him and shall enter in the said register all deaths and desertions occurring among such labourers and shall cause a return to be made to the Superintendent within the first seven days of every month of the number of labourers introduced by him or transferred to him or by him during the preceding month the number of labourers actually employed by him on the last day of that month and the number of deaths and desertions which have occurred during such month. In the case of the death of a labourer a medical certificate shall be forthwith forwarded to the Superintendent as to the cause of death.

16. The register kept under the last preceding section shall be open at all times to the inspection of the Inspector who shall be entitled to demand from the importer such further

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information as he may require in respect of the entries in the said register and the returns made under the last preceding section.

17. Labourers shall reside on the premises on which they are employed and shall be provided with accommodation which in the opinion of the Superintendent is sufficient and suitable and shall be in charge of a Manager appointed by the importer and approved of by the Superintendent.

18. No labourer introduced under this Ordinance shall leave the premises on which he is employed without a permit containing particulars prescribed by law signed by some person authorised thereto by the importer ; provided that no such permit shall authorise the absence of such labourer from such premises for more than forty-eight hours from the time when it was issued.

The said permit shall bear the date and hour on which and the period for which it was issued and also the name of the labourer to whom it was issued with his registered number, and shall not authorise the labourer to go outside the Witwatersrand District.

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RETURN OF LABOURERS TO THEIR COUNTRY OF ORIGIN.

19. (1) Every importer shall prior to the introduction by him of labourers into this Colony enter into a bond in the form in the Schedule hereto annexed undertaking to return such labourers to their country of origin in accordance with his contract and the provisions of this Ordinance. The said bond shall be secured in such manner as the Superintendent may require.

(2) The amount of such bond shall be fixed by the Superintendent and shall be sufficient to pay for all expenses in connection with the return to their country of origin of all labourers in respect of whom such bond is entered into.

(3) If such bond be not entered into by the importer prior to the introduction of such labourers as aforesaid the license granted to him shall be cancelled and the introduction of the said labourers shall be deemed and taken to be a contravention of section *five* of this Ordinance and the importer shall be liable to the penalties provided in that section.

20. (1) It shall be lawful for any inspector under this Ordinance, or for any police officer to demand from any person whom he has

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reason to suspect is a labourer introduced under this Ordinance the production of the passport mentioned in section fifteen, and if it appears from such passport on being produced that such labourer is absent from the premises on which he is employed, such inspector or police officer as aforesaid shall demand from him the permit mentioned in the last preceding section.

(2) Any person failing to produce his passport or permit when asked to do so under the last preceding sub-section may be arrested without warrant and taken before the nearest Court of Resident Magistrate, and on conviction for being without such passport or permit as the case may be he shall be liable to a fine not exceeding £10, and in default of payment to imprisonment for a period not exceeding one month.

(3) In a prosecution under the last preceding section of any person not produciug a passport when requested to do so, it shall be presumed until the contrary is proved that the accused person is a labourer introduced under this Ordinance, and on the payment of any fine, or expiration of any term of imprisonment imposed on him, he shall be sent back by the Superin-

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tendent to his employer, and in case his employer cannot be found, and he refuses to be engaged by any importer as a labourer under this Ordinance he may be forcibly returned to his country of origin by the Superintendent.

The Superintendent shall at least once during every three months transmit to the Lieutenant-Governor (for publication in the "Government Gazette") a statement showing among other things—

- (a) the number and particulars of licences issued and cancelled ;
- (b) the number of labourers introduced into this Colony and their country of origin ;
- (c) the number of labourers who have been returned to their country of origin and the causes of such return ;
- (d) the number of labourers who have died and deserted ;
- (e) particulars of any contravention under this Ordinance ;
- (f) number of families imported or introduced and returned in terms of this Ordinance ;
- (g) particulars of any contraventions of this Ordinance.

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(21) At least thirty days before the expiration of the term of service of any labourer the importer who is responsible for the expenses of such labourer's return to his country of origin shall notify the Superintendent of the date on which such service shall expire, and shall take all necessary steps to the satisfaction of the Superintendent for ensuring the immediate return of such labourer to his country of origin and shall carry out and comply with all such directions as may be issued by the Superintendent as to the place from which such labourer shall take his departure and as to his control while in transit. Any importer contravening the provisions of this section shall be liable on conviction to a fine not exceeding £100, or in default to imprisonment for not more than six months.

Every person contravening the provisions of this section shall be liable on conviction to a fine not exceeding ten pounds and in default of payment to imprisonment not exceeding one month.

22. In reckoning the term of service of any labourer for the purpose of ascertaining the time when such term expires all periods of time

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shall be excluded during which the labourer has been absent from his work for any of the following causes that is to say :—

- (a) imprisonment after conviction of any offence ;
- (b) desertion ;
- (c) unlawful absence from his work duly certified as such by the superintendent ;

provided that no labourer shall be deemed to have been absent from his work within the meaning of this section on account of any desertion unless he has been duly convicted thereof ; and provided further that this section shall not apply to any imprisonment, desertion or unlawful absence which is not duly recorded in the register required to be kept by the importer under Section 14 of this Ordinance.

23. If any labourer who has contracted to serve in this colony shall on or after his arrival refuse without good and sufficient reason to proceed to the place where his service is to be performed or to perform such service he may at the discretion of the superintendent and in addition to or substitution for any penalty provided by this Ordinance be ordered to be returned to his country of origin.

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**24.** The Lieutenant-Governor may in the event of any labourer being convicted of any offence and sentenced to imprisonment without the option of a fine order the return of such labourer to the country of his origin at any time during the period of such imprisonment thereof; provided that if such order is not given until after such labourer has completed his sentence of imprisonment, the importer may take him back into his service for the unexpired portion of the period for which he has contracted, in which case such order shall be withdrawn.

The Lieutenant-Governor may likewise order the return of any labourer who has been declared of unsound mind by a Competent Court or who has become permanently incapacitated for work by physical infirmity or disease.

**25.** In the case of every labourer who under the provisions of this Ordinance is required to be returned to his country of origin the Superintendent shall take all necessary steps for his return at the expense of the importer provided that where any labourer is

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ordered to be returned to his country of origin on account of any offence committed by him the importer shall be entitled to deduct the cost of so returning him from any wages then due to him.

26. (1) Any labourer liable under his contract or under the provisions of this Ordinance to be returned to his country of origin who refuses to return may be arrested without warrant and brought before a Magistrate and shall upon conviction be liable to a fine not exceeding £10 and in default of payment to imprisonment for a period not exceeding three months.

(2) If any labourer sentenced to pay a fine or suffer imprisonment under the last preceding sub-section shall after the payment of such fine or expiration of such term of imprisonment as the case may be refuse to return to his country of origin he may be forcibly sent back to his country of origin.

### REGULATIONS.

27. The Lieutenant-Governor may make regulations for any of the following purposes:—

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- (1) For the grant refusal or revocation of licences to importers under Section 6 of this Ordinance.
- (2) For the registration identification and inspection of all labourers and for the issuing and renewing of passports to them and for the fee to be charged thereon.
- (3) For the registration and proper enforcement of contracts with labourers and of all transfers renewals or alteration of such contracts.
- (4) For the return of labourers to their country of origin under the provisions of this Ordinance.
- (5) For the introduction repatriation and control of the families of labourers.
- (6) For securing correct returns and the keeping of proper registers under Section 14 of this Ordinance ; and for the proper inspection of such registers.
- (7) For the proper control of labourers.
- (8) For the medical examination of labourers on arrival in this Colony and during their residence therein ; and for such measures as

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may be necessary to prevent the introduction or spread of infectious diseases.

(9) For the proper housing clothing rations and food of labourers and the observance of all requisite sanitary precautions.

(10) For the protection of the property and rights of labourers.

(11) For the care of sick and injured labourers.

(12) For the inspection of the premises on which labourers reside.

(13) For preventing desertion from service by labourers.

(14) Generally for the proper administration of this Ornninance.

28. The Lieutenant-Governor may prescribe the following penalties for the breach of any regulations made by him in virtue of the powers conferred by this Ordinance :—

(1) In the case of a labourer :

(a) A fine not exceeding twenty pounds ;

(b) Imprisonment not exceeding six months.

(2) In the case of any other person :

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- (a) A fine not exceeding one hundred pounds;
- (b) Imprisonment not exceeding one year;
- (c) Forfeiture of any license granted by virtue of this Ordinance;
- (d) Disqualification from holding any such license in future.

OFFENCES.

29. The following persons shall be guilty of offences against this Ordinance and shall be liable on conviction to the penalties herein specified in respect of such offences :—

- (1) Any labourers contravening the provisions of Section 5 of this Ordinance shall be liable to the penalties provided in Section 2.
- (2) Every person who fails to keep the register make the returns or give the information required under Sections 14 and 15 of this Ordinance or who wilfully keeps a false register or makes a false return or gives false information shall be liable to a fine not exceeding one hundred pounds and in default of payment imprisonment not exceeding six months.
- (3) Any person who in any way aids abets or assists any labourer directly or indirectly to

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contravene or evade the provisions of Section 5 shall be liable to the penalties provided in Section 6.

(4) Every importer who unlawfully with-holds any wages or portion of wages earned by a labourer shall be liable to a fine not exceeding fifty pounds and in default of payment imprisonment not exceeding three months.

(5) Any person who employs labourers otherwise than on unskilled labour in the exploitation of minerals shall be liable to a fine not exceeding five hundred pounds and in default of payment imprisonment not exceeding two years.

(6) Any person who knowingly transfers or attempts to transfer or procures the transfer of any labourer to a person other than one licensed to introduce labourers shall be liable to a fine not exceeding five hundred pounds and in default of payment imprisonment not exceeding two years.

(7) Any person who shall knowingly sell lease or otherwise transfer or attempt to transfer any land fixed property mynpacht or other mining title to any labourer or to any person

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on behalf of or as agent or trustee for any labourer shall be liable to a fine not exceeding five hundred pounds and in default of payment imprisonment not exceeding two years.

(8) Any person who shall knowingly hold purchase lease or otherwise acquire or attempt so to do any land fixed property mynpacht or other mining title or shall carry on any trade or business on behalf of or as agent or trustee for any labourer shall be liable to a fine not exceeding five hundred pounds and in default of payment imprisonment not exceeding two years.

(9) Any person who shall obstruct any duly authorised officer in the discharge of his duties under this ordinance or any regulations made thereunder shall be liable to a fine not exceeding fifty pounds and in default of payment imprisonment not exceeding three months.

(10) Any person who shall harbour or conceal any labourer who has deserted from the service of his importer or who has committed any breach of this Ordinance or who shall aid and abet any labourer to desert as aforesaid shall be liable to a fine not exceed-

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ing fifty pounds and in default of payment imprisonment not exceeding three months.

(11) Any labourer who shall desert from the service of his importer or shall refuse to work for him when required to do so or who shall unlawfully absent himself from work or who shall perform any business other than that of unskilled labour in the exploitation of minerals shall be liable to a fine not exceeding twenty-five pounds and in default of payment imprisonment not exceeding two months,

(12) Any labourer who shall have any interest whether as partner or otherwise in any trade or business shall be liable to a fine not exceeding fifty pounds and in default of payment imprisonment not exceeding three months.

(13) Any importer who neglects forthwith to report to the Superintendent the desertion of any labourer while in his employment, shall be liable to a fine not exceeding fifty pounds, or to imprisonment for a period not exceeding three months.

(14) Any person who shall receive any value or consideration for the transfer of any labourer contrary to the provisions of section 11 of this

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Ordinance, shall be liable, on conviction, to a fine not exceeding five hundred pounds, or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

The foregoing penalties shall be independent of any other punishment to which the offender shall be liable.

30. The provisions of the Masters and Servants Law 1880 and of Law No. 3 of 1885 or any amendment thereof shall not apply to any labourer introduced under this Ordinance or to any contracts made thereunder.

31. Nothing in this Ordinance contained shall apply to the introduction into this colony by the Lieutenant-Governor of British Indians to be employed on the construction of railways sanctioned by the Governor or on other public works; provided always that such introduction shall be subject to such regulations as the Legislative Council may approve of; and provided further that the provisions of this Ordinance in respect of the return of labourers to the country of origin shall *mutatis mutandis* apply to such British Indians.

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32. (1) It shall not be lawful for the wife or any member of the family of any labourer or any female belonging to the race or tribe of any labourer introduced into this colony to enter, be or reside in this colony unless they be respectively introduced by a duly licensed importer under, as far as practicable, the same conditions and restrictions "mutatis mutandis" as are provided in this Ordinance for the introduction of labourers.

(2) The family of any labourer introduced into this colony by any importer under any regulations made by the Lieutenant-Governor, and any children of such labourer born in this colony shall be returned by the importer to their country of origin on the death of such labourer, or on the happening of any of the events when under this Ordinance such labourer is liable to be returned to his country of origin, and such importer as aforesaid shall give the like security for the payment of the expenses incurred in connection with the return of such family as is required under Section 21 of this Ordinance.

33. This Ordinance may be cited for all purposes as the Labour Importation Ordinance

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1904, "and shall not take effect unless and until the Governor shall proclaim in the 'Gazette' that it is His Majesty's pleasure not to disallow the same upon such day as the Governor shall notify by proclamation."

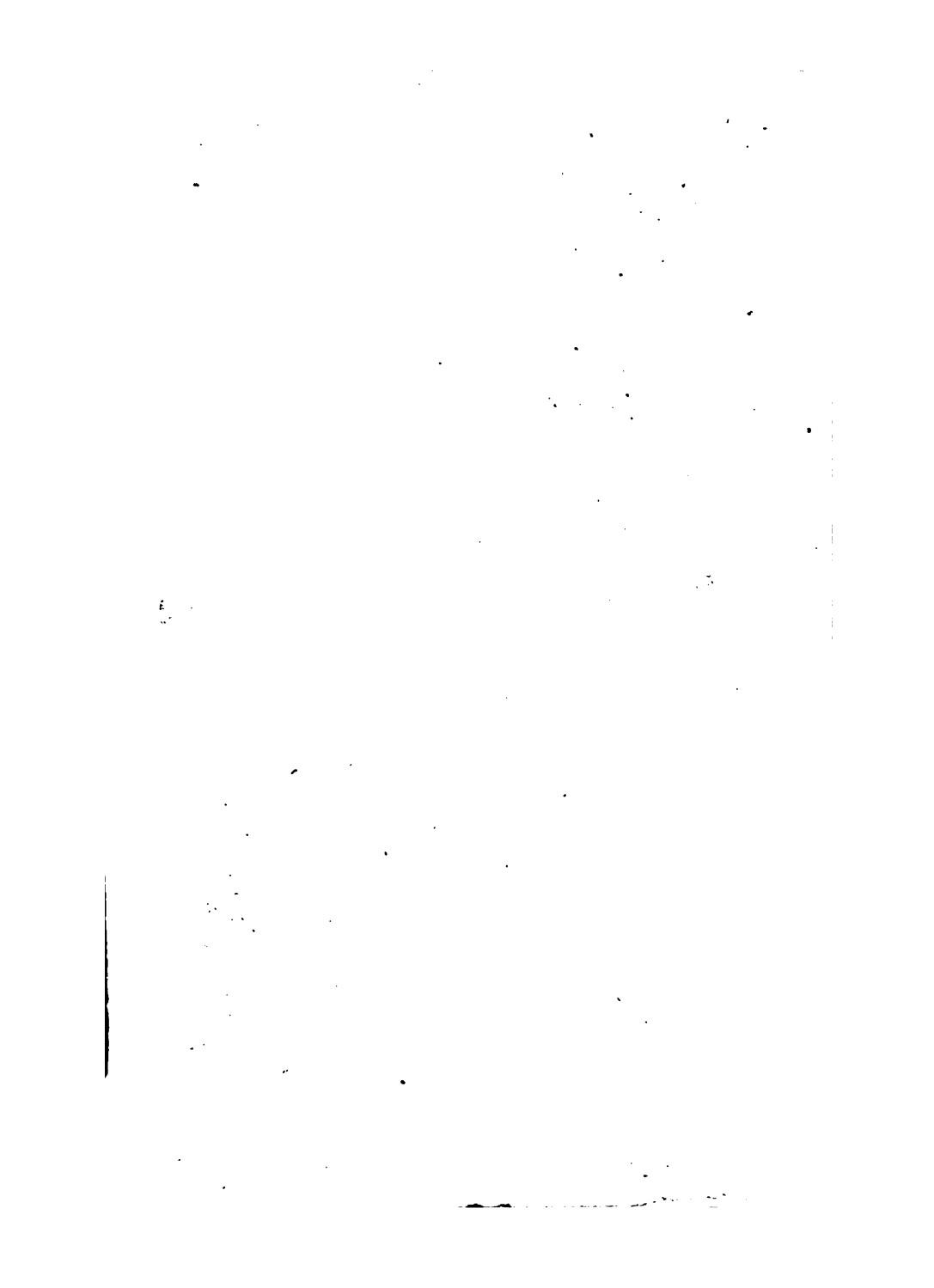
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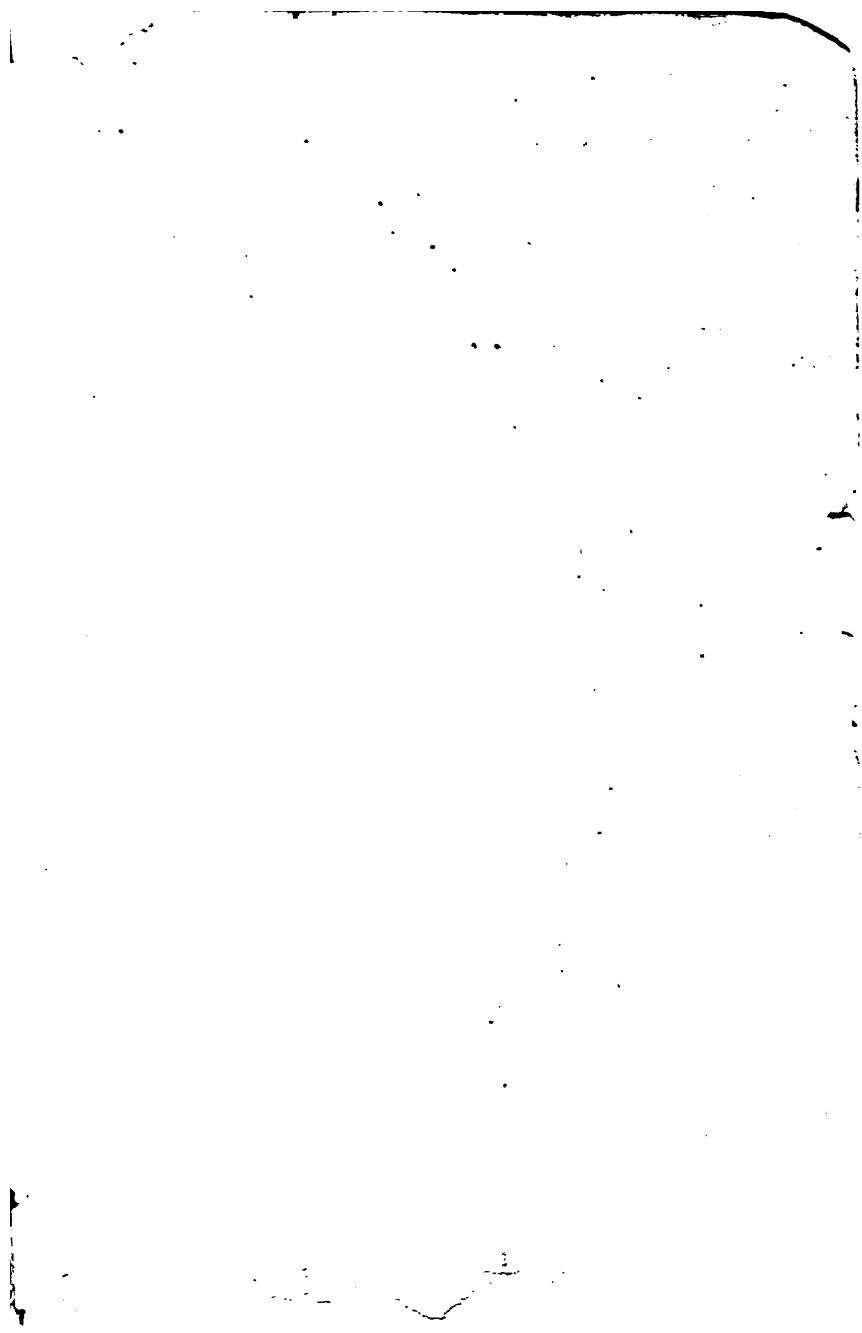
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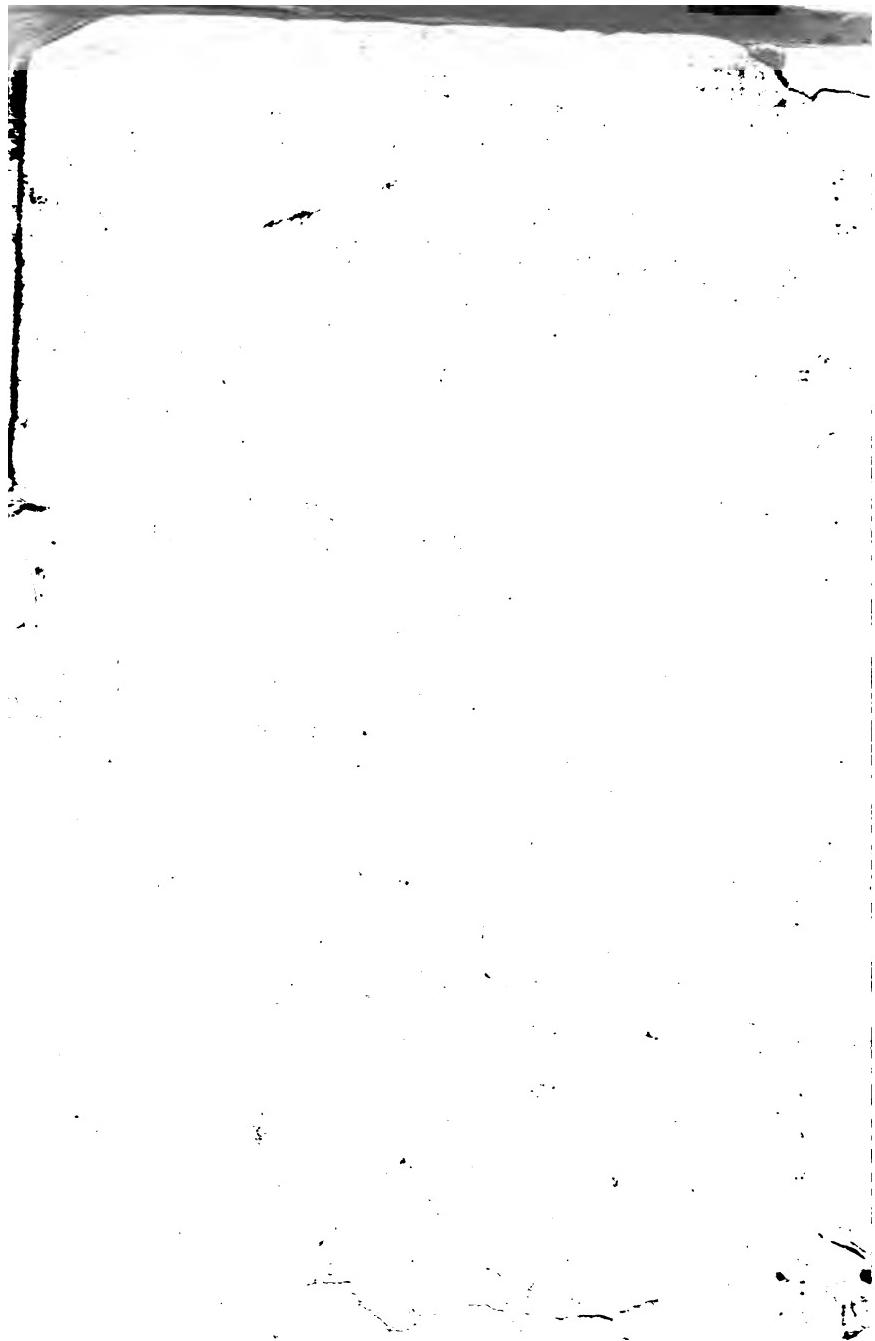
**Amalgamator, assayer, blacksmith, boiler-maker, brass-finisher, brass-moulder, brick-maker, overseer, bricklayer, banksman, carpenter, coppersmith, clerk, cyanide shiftsman, drill sharpener, driver of air or steam winch, driver of mechanical or electrical machinery, engineer, electrician, engine-driver, fitter, fireman overseer, ganger, ironmoulder, joiner, mine storeman, mechanic, machinist, millwright, mason, miner overseer, machine rock-driller, mine carpenter, miller, machine overseer (in any capacity other than the management and control of labourers), onsetter, patternmaker, plumber, painter, plasterer, piper man, pumpman, platelayer, quarryman, rigger, stonecutter, signaller, skipman, sampler, sawyer, turner, tinsmith, timberman overseer, timekeeper, wire splicer, wood-working machinist,**



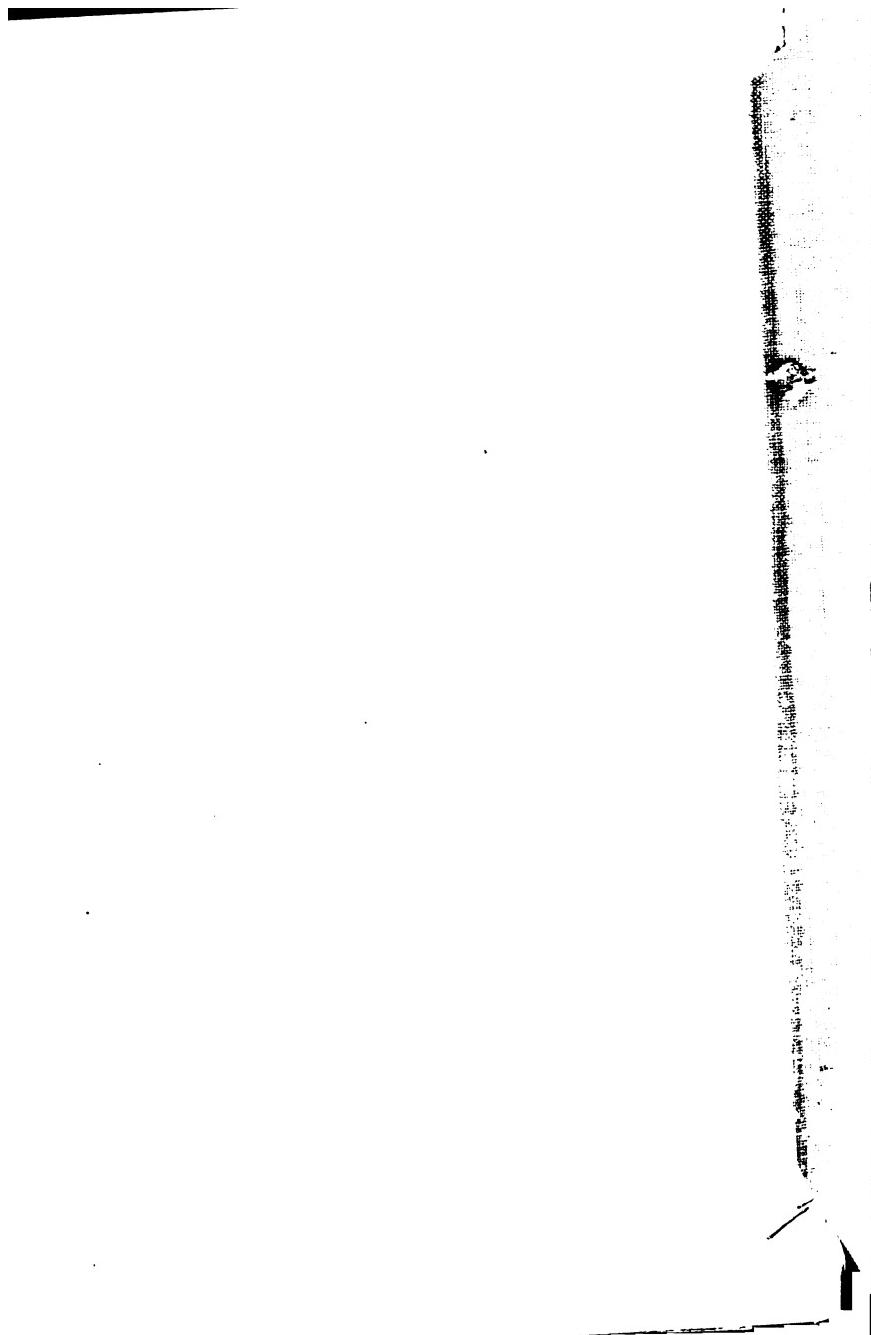


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